RIO GRANDE NATIONAL FOREST LAND MANAGEMENT PLAN REVISION

Reviewing Officer Response to Eligible Objections

March 10, 2020
USDA Forest Service
Rocky Mountain Region

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Introduction

Objection Process Summary: The objection review is conducted at the Regional Forester's Office, by delegated Reviewing Officer, Acting Deputy Regional Forester, Jeffrey Vail. This objection process follows Title 36, Code of Federal Regulations, Part 219 (36 CFR 219) regulatory requirements for forest plan revisions, which includes an interested person filing period and resolution meetings. The objection filing period ended October 1, 2019. The interested person filing period began October 11, 2019. We received 14 eligible objections and 14 requests for interested person status. Objections are from a variety of sources and include two individuals, one State Agency, one water conservation district, one industry association, 19 environmental groups, and one environmental coalition.

The Land Management Planning Rule (36 CFR 219, subpart B) established a pre-decisional plan-level objection process for members of the public to seek administrative review of proposed new land management plans, plan revisions, and plan amendments.

As a component of a plan, plan revision, or plan amendment process, the identification of Species of Conservation Concern (SCC) is a Regional Forester decision (36 CFR 219.7(3)). Therefore, any objections related to the identification of SCC are reviewed by either the Chief or a delegated official.

The objection issues raised cover a broad range of plan framework, resource management and public use concerns. However, many issues had similarities that warranted consolidation into specific topic areas. Issues have been grouped into general resource headings with one response provided for all objectors to facilitate review of and response to the concerns of the objectors. Similar issues are combined under general resource headings with one response provided for all objectors. Likewise, similar objector-identified remedies have been consolidated.

The Forest Plan operates under the framework of the Multiple Use Sustained Yield Act, the National Forest Management Act, the 2012 Planning Rule Implementation Regulations, the Endangered Species Act, and other related laws, regulations, and policies.

This review resulted in instructions for Forest Supervisor Dan Dallas, as the responsible official for the revised land management plan. Instructions are mandatory changes that the reviewing official determined are required to ensure compliance with law, regulation, and policy. For most issues, review of the final Environmental Impact Statement (final EIS), the land management plan (revised plan), the draft Record of Decision (ROD), and associated planning record established that the responsible official sufficiently addressed the objection issues and are in compliance with current law, regulation, and policy. The instructions provided are summarized at the end of the response.

For ease of discussion throughout this document, the Rio Grande National Forest (the Forest) referenced the single administrative unit, the staff that administers the unit, or the National Forest System lands within the unit will be specified. A list of acronyms and abbreviations is located at the end of the response.

National Environmental Policy Act (NEPA)

Issue Summary – NEPA Violations

The objectors assert that the revised plan and final EIS violate NEPA as listed:

- The final EIS failed to disclose and evaluate the effects of the proposed action
- The final EIS failed to establish an environmental baseline
- The alternatives considered do not meet the purpose and need for the revised plan, nor do they address the need to change the plan
- The alternatives considered do not represent an appropriate range of alternatives
- The agency failed to provide the opportunity to engage and comment on the revised plan and final EIS
- The agency did not consider alternatives submitted by the public.

Objectors' Proposed Remedies

- Revise the EIS to ensure that the action alternatives meet the articulated purpose and need for the plan revision, i.e., "ensur[ing] sustainable infrastructure related to recreation, forest health, and habitat connectivity." The objectors recommend revising and reissuing the ROD accordingly.
- Analyze a complete range of alternatives for the location and management of the CDNST as provided for in section 1246(b) of the National Trails System Act (NTSA).
- Revise the EIS to provide a detailed explanation of how the current management alternatives were found sufficient under NEPA.
- Revise the EIS to provide a range of alternatives for managing sustainable over-snow recreation. Include an alternative that reflects the OSV Framework alternative.
- Revise the EIS to include an alternative for managing the road system. Include an alternative that reflects the proposed transportation system submitted from Defenders of Wildlife.
- Revise and reissue the ROD accordingly.

Add to the glossary important definitions to support forest plan terms such as:

- National Scenic and Historic Trails
- Include the nature and purpose for NTSA
- Complete the recreation opportunity spectrum (ROS) definitions to address access, remoteness, naturalness, facilities and site management, social encounters, visitor impacts, and visitor management of each class (submitted in comments).
- Include scenic integrity definitions as described in the Landscape Aesthetics Handbook.
- Include a definition of wilderness character.
- Include all definitions from the draft EIS and Forest Plan.
- Add the National Scenic and Historic Comprehensive Plans to the list of authorities.
- Add Executive Order 13195 to the list of authorities.
- Revise the EIS to include a robust discussion of the road system and its impacts.
- Revise and reissue the ROD accordingly.

Response

The concept of "programmatic" NEPA reviews is embedded in the Council on Environmental Quality (CEQ) regulations 40 CFR Parts 1500-1508, that address analyses of "broad actions." In 2014, CEQ issued guidance for the effective use of programmatic NEPA reviews (CEQ 2014). The final EIS for the revised plan fits under section III, where CEQ states when to use a programmatic and tiered NEPA review as a "decision to adopt formal plans, such as documents that guide or constrain alternative uses of Federal resources, upon which future Agency actions will be based."

Assertions of insufficient effects analysis and inadequate baseline conditions for analysis are woven through many of the objections. Although I reviewed and responded to specific resource area objections throughout this response, I wanted to provide the context for my review of this programmatic level analysis.

As indicated by the 2014 CEQ guidance, programmatic NEPA reviews address the general environmental issues relating to broad decisions, such as those establishing the revised plan and can effectively frame the scope of subsequent site and project-specific Federal actions. Because impacts in a programmatic NEPA review typically concern environmental effects over a large geographic and time horizon, the depth and detail in programmatic analyses reflects the impacts that might result from making broad programmatic decisions.

Upon review I find that the final EIS is clear about the context of the decision being made and how it relates to the context and intensity of potential impacts (Chapter 1, p. 2-14, Chapter 2, pp. 29-68), and in the methodology descriptions of individual resource sections. Chapter 3 indicates the environmental consequences are assessed at a large scale in contrast to analyses conducted for site-specific projects that will follow once the plan is finalized. The final EIS does not predict what will happen each time the standards, guidelines, and other plan guidance is applied through site-specific project implementation. Environmental consequences of individual, site-specific projects on the Forest are not described intentionally as this is a programmatic planning document. The environmental effects of individual projects will be analyzed at each project location based on the environmental conditions present and considering the applicable plan direction in each case. Discussions of the affected environment and environmental consequences in the final EIS allow a reasonable evaluation of consequences on the Forest. As appropriate at the programmatic scale, the final EIS does not describe every environmental process or condition and does not analyze and cannot predict effects from site-specific actions that may occur through the life of the plan.

Further, objectors assert that the Forest did not develop the appropriate number of alternatives to consider a variety of plan resource-related issues. In particular, objectors focused on management of the Continental Divide National Scenic Trail system (final EIS, pp. 310-313), scenic values (revised plan p. 52), winter and summer travel management (Draft ROD p. 10, final EIS pp. 12-13, and vol. 2 pp. 106-108), habitat connectivity (Draft ROD pp. 12-14, final EIS p. 29) and management of specific wildlife habitats (Draft ROD pp. 12-14, 27 final EIS pp. 11, 13).

The final EIS evaluates five alternatives in detail, including the no-action alternative. The analysis describes the direct, indirect, and cumulative effects of the alternatives in relation to all resources on the Forest and reflects public feedback provided throughout the process. The no-action alternative represents the 1996 forest plan, as amended, and serves as the baseline condition for comparison with the other action alternatives (final EIS pp. 30, 52). This baseline

allowed for consideration of the current condition in relation to the desired conditions developed through consideration of the identified need for change (draft ROD p. 3).

- Regarding the assertion that public involvement was inadequate under NEPA, in compliance with 40 CFR 1506.6 (Public Involvement), the Forest developed an extensive public participation plan early in the process to guide participation throughout. The public participation plan had two goals: 1) solicit effective involvement from individuals, groups, and communities through the process; and 2) keep employees informed and involved throughout the process. The process commenced in 2013 and comprised more than one hundred individual public meetings that were held to solicit input to inform plan revision, with approximately 465 comment letters received during the 90-day comment period for the draft environmental impact statement (DEIS) (Draft ROD p. 5).

Ultimately, the final EIS is not a site-specific environmental analysis. The revised plan has been prepared in compliance with the 2012 Planning Rule. The proposed action includes Forestwide goals, objectives, and desired conditions, as well as management area specific desired conditions. The final EIS addresses the effects of the revised plan; which is a framework to guide resource management. The revised plan is a strategic, programmatic document that does not make project-level decisions or irreversible or irretrievable commitments of resources. Such commitments will be made through site-specific analysis that will include further public comment and collaboration opportunities, as required by law and at the discretion of future responsible officials, as part of the site-specific environmental analysis process (Draft ROD pp. 34-35).

Conclusion

Unless otherwise indicated in a response to a specific resource area objection in the sections to follow, I find that Forest Supervisor Dallas disclosed the appropriate level of detail required for a programmatic NEPA review including a reasonable range alternatives and sufficient analysis of effects to the environment by alternative, and that he provided adequate public engagement in compliance with 40 CFR 1506.6. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

National Forest Management Act (NFMA)

Issue Summary – NFMA – Management Approaches

Objectors assert that "there is a disproportionate use and reliance upon unenforceable Management Approaches (as opposed to enforceable Standards and Guidelines) to achieve Desired Conditions in the Final LMP."

Objectors' Proposed Remedy

Replace management approaches with standards and guidelines to achieve desired conditions.

Response

The 2012 planning rule defines the required plan components: desired conditions, objectives, standards, guidelines, and suitability of lands (36 CFR 219.7(e)(1)). It requires that projects be consistent with each applicable plan component and describes how consistency is determined (36 CFR 219.15(d)). Optional plan content can include potential management approaches, strategies, and/or partnership opportunities (36 CFR 219.7(f)(2).

The Response to Comments at PC-1 (p. 83) states "Management approaches are described in Forest Service direction (FSH 1909.12.22.4) as optional content that could facilitate transparency and give the public and governmental entities a clear understanding of the plan and how outcomes would likely be delivered. Management approaches can describe strategies and program priorities that the responsible official intends to employ to carry out projects and activities. In response to external and internal comments, management approaches have been revised in format and content to better meet the direction in Forest Service Handbook 1909.12."

Further it states "In response to internal and external comments received, plan components, including desired conditions, objectives, standards, and guidelines have been revised to better meet the intent and direction of the 2012 Planning Rule (36 CFR 219) and its implementing direction (FSH 1909.12). The intent of the direction did not change; rewrites combined similar direction, added clarity, and added specificity. Many of these changes were recommended by the public during the official comment period. Management approaches are included to help facilitate transparency and provide clear understanding of the plan and how outcomes would be delivered but allow more adaptability to meet changing conditions. They describe strategies and program priorities intended to be used to implement projects and activities developed under the forest plan."

The Responsible Official further clarified his rationale for changes in plan components between the draft and final plans in the Draft ROD (p. 6): "Some commenters suggested that draft plan components and management approaches did not meet the definitions provided in the 2012 Planning Rule. All plan components were reevaluated against definitions for standards, guidelines, objectives, desired conditions, and management approaches. In some cases, they were reworded to better align with the definitions; in other cases, they were moved to different sections, or combined with other similar plan components. In many cases they were removed because they were redundant, repeated existing law or policy, or were simply unnecessary to meet the purpose and need of the revision effort. In some cases, we added new plan components based on public concerns. The expressed interest from the public was for an LMP that was understandable and easier to interpret, which is what guided this reorganization effort."

Some objectors expressed concern that management approaches can be changed administratively without NEPA. Other plan content can be updated and kept current through an administrative change to the plan without NEPA documentation, though FSH 1909.12.21.5 states "The Responsible Official should be transparent with the public and governmental entities when making administrative changes to 'other plan content' by reaching out to the public early. When considering public and governmental participation, the Responsible Official should consider the importance of the need to change the plan and conduct appropriate outreach that is commensurate with the change to be made and the level of public and governmental interest."

Conclusion

I find that the use of Management Approaches is consistent with FSH 1909.12.21 and meets the intent of CFR 219.7(f)(2). Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Issue Summary – NFMA – Plan Components

The objectors assert that the revised plan removes a number of wildlife-related desired conditions, standards, and management approaches without explaining why their removal adds clarity or better meets the intent of the 2012 planning rule.

Objectors' Proposed Remedy

- Include deleted components in the revised plan; or
- Provide a reasoned explanation as to why they were removed and why the remaining components achieve the same level of protection.

Response

The objector provided a list of specific plan components that were removed or changed. The Forest responded in general to changes from the draft land management plan to final land management plan in the final EIS stating, "In response to internal and external comments received, plan components, including desired conditions, objectives, standards, and guidelines have been revised to better meet the intent and direction of the 2012 Planning Rule (36 CFR 219) and its implementing direction (FSH 1909.12). The intent of the direction did not change. Rewrites combined like or redundant direction, added clarity and specificity (final EIS Volume II, page 197)."

The objector requested that the Forest provide an "explanation as to why these specific conditions, standards and management approaches are redundant, and why removing them adds clarity and better meets the intent and direction of the 2012 Planning Rule." As part of my analysis I discovered that many of the plan components the objector believed to be deleted or removed had in fact been reworded or moved to other plan areas. A detailed response to each plan component the objector listed is below.

DC-WLDF-6: Habitat conditions promote the prevention and control of wildlife-related pathogens and diseases, such as chronic wasting disease. (Forestwide)

This component was removed and incorporated in part to Standard-Species of Conservation Concern-1 (S-SCC-1) found on page 24 of the land management plan.

DC-WLDF-8: Manage northern goshawk nesting territories on the basis of nest site, post-fledging, and foraging area needs. Nest site buffers should encompass 25-30 acres and post-fledging areas 420 acres, with considerations for surrounding foraging habitat. (Forestwide)

This plan component was moved to a guideline. The relevant guidelines are Guideline-Vegetation Management-1 (G-VEG-1) and Guideline-Vegetation Management-5 (G-VEG-5).

DC-WLDF-9: Maintain a road density of 1.5 miles/per square mile or less in winter concentration areas, winter range, calving areas, and transition habitat. (Forestwide)

This plan component has been deleted but a similar and more restrictive desired condition can be found in Chapter 3: Management Area Specific Direction. Specifically, Desired Condition-Management Area 5- General Forest and Rangelands: "Prescribed road densities of 1 mile per square mile provide for critical wildlife needs, in areas used for winter concentration, critical winter range, calving areas and transition habitat" is found on page 80 of the land management plan.

DC-WLDF-10: Where possible, retain public ownership of wildlife travelways adjacent to public highways, or where public lands are identified as a key component in maintaining the integrity of seasonal movements by wildlife. (Forestwide)

This plan component was deleted. The forest determined that "This desired condition is more appropriate at the project-level analysis." (final EIS vol. 2, p. 211).

DC-WLDF-11: Maintain habitat components of size, quality, and spatial extent necessary on the landscape to provide for connectivity of movement between seasonal habitat (i.e., wildlife travelways) as identified and mapped by Colorado Parks and Wildlife or other science-based partners (e.g., Colorado Natural Heritage Program). (Forestwide)

This plan component was deleted. The Forest stated that, "DC-WLDF-11 has been revised (now DC-WLDF-3) and addresses habitat connectivity in a more general way (final EIS vol. 2, p. 211).

S-WLDF-3: Provide security habitat in winter range, winter concentration areas, severe winter range, and lambing areas during big-game use seasons from December 1 to March 31. Employ access restrictions and seasonal closure as necessary. Dates may vary depending upon variations in winter use. (Forestwide)

This plan component was deleted but a similar and more restrictive standard can be found in Chapter 3: Management Area Specific Direction. Standard-Management Area 5-1 (S-MA5-1) states, "Off-road travel, including over-the-snow travel, is not allowed on big game winter range areas during the primary use seasons for big game (December 1 - April 15). Exceptions may be allowed under contract or special use authorizations."

S-WLDF-9: Maintaining screening cover to minimize the disturbance and harassment of deer and elk along open roads and around openings on the basis of site conditions. Design screening cover design consistent with the disturbance regime characteristics of the forest cover type it is occurring in. (Forestwide)

This plan component was deleted. The Forest states "the component has been removed in the forest plan. Screening cover for big game will be addressed at the project level as appropriate." (final EIS vol. 2, p. 211).

S-WLDF-12: Do not authorize actions that reduce the effective use of habitat on severe winter range and winter concentration areas between approximately November 1 and April 15. (Forestwide)

This standard was changed to a guideline.

MA-WLDF-9: Use vegetation management and habitat improvement strategies, including but not limited to prescribed fire, thinning, building stock ponds, and guzzler placement, to help achieve and maintain desired conditions for big game winter habitat. (Forestwide)

This plan component was deleted.

MA-WLDF-22: Manage off-road travel on big game winter range areas, including over the snow track machines, during the primary use seasons for big game. Exceptions may be authorized under special use permit. (Forestwide)

This management approach was deleted and replaced by S-MA5-1, which states "Off-road travel, including over-the-snow travel, is not allowed on big game winter range areas during the primary use seasons for big game (December 1 - April 15). Exceptions may be allowed under contract or special use authorizations."

MA-WLDF-23: Design management activities to provide forage and cover across the landscape to sustain ungulate populations and to support state population objectives. (Forestwide)

MA-WLDF-24: Maintain habitat components necessary to provide for connectivity of seasonal habitats as mapped by Colorado Parks and Wildlife. (Forestwide)

These two management approaches were deleted and replaced with a similar management approach in the Management Area 5 (MA-5) section. The MA-5 management approach states, "Forage and cover is managed across the landscape to sustain ungulate populations and support population objectives."

Also, in the Final Environmental Impact Statement: Volume II Appendix D: Public Involvement and Response to Comments page 215 the Forest stated that "MA-WLDF-23, 24, 26, and 27 all describe ongoing program operations that will continue during implementation of the forest plan. MA-23, 26, and 27 have all been reworded to focus more narrowly on TEPC species and to match riparian management zones described in Appendix F. MA-24 has been deleted."

MA-WLDF-24: Maintain habitat components necessary to provide for connectivity of seasonal habitats as mapped by Colorado Parks and Wildlife. (Forestwide)

This management approach has been deleted.

MA-WLDF-27: Identify and assess habitat connectivity needs at various spatial scales when conducting forest management activities at the project level, as necessary, on the basis of existing landscape patterns and local species concerns. Use a nesting of hydrologic unit codes at the scale(s) necessary to assess connectivity patterns (e.g., 8th-level hydrologic unit codes or smaller). Identify and use key stream zones and topographic features to help facilitate movement across broader landscapes. Movement zones of 400 to 600 feet in width may be sufficient to facilitate movement for most local species of conservation concern, including large predators, in most landscape conditions. (Forestwide)

This management approach was reworded. The management approach as it appears in the revised plan reads, "Existing landscape patterns and local species concerns are used to identify and assess habitat connectivity at various spatial scales during design and analysis of forest management activities. A nest of hydrologic unit codes is used at various scales to assess connectivity patterns. Stream zones and topographic features are identified and used to facilitate movement across the landscape. These areas serve multiple purposes, including providing aquatic and terrestrial habitat connectivity and areas for species movement in most landscape conditions."

Conclusion

I find that the Forest provided adequate rationale for the changes to plan components between draft and final and that the use of management approaches is consistent with FSH 1909.12.21 and meets the intent of CFR 219.7(f)(2). Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Travel Management

Issue Summary – Travel Management Rule Subpart A and Plan Components

Objectors assert that the agency cannot separate requirements under the Travel Management Rule, Subpart A, from the 2012 Planning Rule. Further, they assert that the plan lacks sufficient plan components related to travel management.

Objector's Proposed Remedy

Revise the plan to include plan components (desired conditions, objectives, standards, and guidelines) submitted as Exhibit 2 in the objector's previous comments.

Response

The objector disagrees with the Forest's assertion that the Travel Management Rule Subpart A is separate from requirements under the 2012 Planning Rule. The Forest Service Handbook (Handbook) (1909.12 section 23.231l) states that "the central consideration in land management planning for infrastructure is that the integrated desired conditions and other plan components set a framework for the sustainable management of the plan area's infrastructure and mitigation of adverse impacts." The Handbook further explains, "Most design related to infrastructure occurs at the project or site level with a specificity that is not appropriate for a land management plan… Travel management analysis is a separate process outside of land management planning to determine which roads are to be maintained for public use consistent with the land management plan." Therefore, although the plan helps guide future travel management decisions, requirements under the 2012 Planning Rule are separate from those of the Travel Management Rule Subpart A. The Forest Service Handbook (1909.12 23.23a 2(d)) further clarifies this by stating, "Travel management decisions are separate decisions that determine the specific areas and routes for motorized recreation consistent with areas identified in the plan as suitable for motorized recreation use."

The 2012 Planning Rule (36 CFR 219.10(a)) requires the responsible official, when developing plan components for integrated resource management, to consider "appropriate placement and sustainable management of infrastructure, such as recreational facilities and transportation and utility corridors." The revised plan addresses appropriate placement and sustainable management of transportation using the desired recreation opportunity spectrum class (revised plan p. 60, Table 10), and identification of allowable travel types for all management areas.

Further, the revised plan contains plan components for specific management areas, which identify allowed transportation types either through recreation opportunity spectrum classes or land suitability allocations. Allowable activities for each management area, alternatives B Modified, and C in the final EIS Volume 1 (Table 9, p. 55) summarize which management areas allow or disallow mechanized, motorized, off-road, and over-snow travel.

Prior to this plan revision, the Forest designated specific roads, areas, and trails for the use of motor vehicles (which includes off-road vehicles) that are displayed on the motorized vehicle use maps required by 36 CFR 212 subpart B. The Forest also has completed subpart C through amendment 24 to the 1986 land management plan. The Forest's Over-Snow Vehicle Use Map, as required by 36 CFR 212 subpart C, identifies routes and areas open to over-snow vehicle use. This revised plan does not authorize additional motor vehicle use or prohibit existing motor vehicles uses; therefore, those maps remain unchanged.

Moreover, prior to the start of the land management plan revision process, the responsible official made the decision to complete land management planning before undertaking the travel management planning process. Stating "Prior to beginning the land management plan revision process I made a decision to delay travel management planning until after the completion of the land management plan. The LMP provides an updated basis for conducting the travel management process; however, I am mindful that upon completing the travel management process in 36 CFR 212, the revised plan may need to be amended," (Draft ROD p. 33).

Conclusion

I find that the Forest has adequately addressed and identified lands suitable and not suitable for motorized use and has sufficiently addressed travel management at the programmatic level in this land management plan. Further, travel management planning will be completed as soon as practicable once the forest planning process is finalized. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Issue Summary – Travel Management Rule Subpart C

The objectors assert that the forest plan is inconsistent with the requirements of Subpart C of the Travel Management Rule.

The objector contends that the following two plan components do not comply with this requirement:

1. Management Approach, Forestwide Direction (Final Plan, page 55): "Over-the-snow motorized vehicle use is allowed unless specifically restricted."
2. Desired Condition, Management Area 3 (Colorado Roadless Areas, revised plan, p. 72): "Cross country (off trail) motorized travel is limited to over-the-snow use unless otherwise prohibited."

The objectors further assert that the revised plan contains inconsistencies and contradicts final EIS language regarding over-the-snow motor vehicle use. Specifically, the objector states "OSV language in the Final Plan is also inconsistent with plan and final EIS language that properly recognizes that motor vehicle use is constrained to a designated system."

The objectors also contend that the Forest is non-compliant with subpart C of the Travel Management Rule because the Forest has not completed a winter travel management plan.

Lastly, the objectors contend that the plan does not establish minimum snow depths for restricting OSV use to protect wildlife, soils, and vegetation, address where snowpack is adequate for OSV use, or use this information to identify suitable OSV areas.

Response

With regard to compliance with the Travel Management Rule as it relates to forest plan revision, under the 2012 Planning Rule, see response under Issue Summary-Travel Management Rule Subpart A and Plan Components.

Tables 7 through 10 of the EIS show allowable activities for each management area for each alternative. These tables include over-snow motorized travel, as well as motorized travel and mechanized travel. The EIS also contains an OSV Suitability Map, displaying areas of the Forest that are unsuitable, suitable, or suitable only on limited designated routes for OSV use. Further, the plan includes some components addressing OSV use. For example, OSV and motorized use is addressed in Infrastructure Management Approaches (p. 55), SUIT-MA 1.1a-5 (p. 70) referring to the suitability of mechanized and motorized transport in recommended wilderness, Management Area 3 (Colorado Roadless Area) Management Approaches (p. 72), and S-MA5-1 (p. 82) referring to OSV use on big game winter range areas.

Regarding inconsistencies in the plan, the Forest applies a "closed unless designated open" management approach in the following instances.

1. A Forestwide direction in the revised plan states "Motorized use is restricted on all areas not designated for motorized use on the forest motor vehicle use map" (p. 55).
2. Description of existing recreation opportunities in the final EIS states "Motorized vehicle use, including over-snow vehicle use, is currently limited to designated routes or areas outside wilderness" (p. 296).

However, the objector is correct. These statements are in conflict with the Forestwide Management Approach and Desired Condition for Management Area 3 listed below:

1. Management Approach, Forestwide Direction (final plan, p. 55): "Over-the-snow motorized vehicle use is allowed unless specifically restricted."
2. Desired Condition, Management Area 3 (Colorado Roadless Areas, revised plan, p. 72): "Cross country (off trail) motorized travel is limited to over-the-snow use unless otherwise prohibited."

Conclusion

I find that the Forest has adequately addressed and identified lands suitable and not suitable for motorized use and has sufficiently addressed travel management at the programmatic level in this land management plan. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Instructions

As I have acknowledged prior, travel management planning will be completed as soon as practicable once the forest planning process is finalized. In the interim, I instruct the responsible official to describe how the plan decision will impact access as it relates to future Travel Management decisions; ensure plan components and other statements are consistent with "closed unless open" per the Travel Management Rule; and ensure that any inconsistencies as they relate to travel management in plain language are rectified.

Issue Summary – Travel Management – Hard Look at OSV Impacts

The objectors contend that the forest plan violates NEPA by failing to take a hard look at over-snow vehicle suitability or the impacts of over-snow vehicle use.

The objectors further contend that the over-snow vehicle use suitability map is not an adequate framework to guide future winter travel planning decisions. The charts and text in the final EIS and the plan components in the forest plan are not consistent in how they characterize over-snow vehicle suitability.

The final EIS states in two places that environmental factors and recreational preferences and conflicts in assigning over-snow vehicle use suitability were considered, yet there is no evidence of these analyses or how the analyses led to the suitability designations described in the final EIS and reflected in the plan. The suitable and unsuitable designations are a reflection of the management areas, rather than based on winter-specific variables such as average snow accumulation, slope angle, sensitive wildlife habitat, and current recreation use or desired future recreation conditions. In the preferred alternative, these management areas are largely consolidated in the general forest management area, which means that large swaths of the Forest are classified as suitable without sufficient consideration of winter variables.

Response

Forest plans are strategic in nature and do not compel any action, authorize projects or activities, or guarantee specific results. Instead, they provide the vision and strategic direction needed to move a national forest toward ecological, social, and economic sustainability. Project-level environmental analysis will be completed for specific proposals that implement the direction in the forest plan as required by the NEPA (final EIS p. 3).

The identification of suitability of lands for a particular use in the forest plan indicates that the use may be appropriate but does not authorize a specific commitment. Uses or activities may not occur in areas that are identified as not suitable for that use or activity. Subsequent site-specific analysis must be done to prohibit an existing use or authorize a new use. Generally, Forest lands are suitable for uses and management activities appropriate for national forests (final EIS p. 4).

OSV use is currently allowed on about 64 percent (1,176,252 acres) and prohibited on 26 percent of the Forest. The remaining 10 percent of the Forest includes areas where OSV use is limited to designated routes. The actual use of the lands where OSVs are currently allowed is less than the entire 64 percent since terrain and vegetation also determine where OSVs can physically travel. Areas where OSV use is not allowed on the Forest have been historically determined primarily by considerations like recreation user group preferences, wilderness area, wildlife habitat, and areas of the Forest under long-term closure orders where applicable (final EIS p. 294).

The objector is correct that the desired recreation opportunity spectrum for winter season was not completed as part of the plan revision process. However, OSV suitability maps for alternatives A through D reflect areas on the Forest where OSV use would be suitable and unsuitable by alternative. OSV use suitability determinations are not travel management decisions; however, suitability determinations can be used to inform travel management decisions when the Forest initiates planning under Subpart C of the Travel Management Rule (final EIS p. 294).

Conclusion

I find that the Forest has met the hard look standard under NEPA as it relates to OSV suitability and use on the Forest. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Issue Summary – Travel Management – Over-Snow Vehicle (OSV) Suitability

Objectors contend that winter recreation opportunity spectrum classification needs to occur before over-snow vehicle suitability can be analyzed. Additionally, objectors contend that the plan contains inconsistencies and inadequate plan components related to over-snow vehicle use.

Response

The objectors state that Table 9 (p. 56) of the final EIS (Allowable activities for each management area, alternatives B Modified and C) shows OSV travel is allowable in special interest areas and wild and scenic river eligible segments. However, the final EIS states "Areas unsuitable for motorized over-snow vehicle use across action alternatives include eligible wild, scenic, and recreational rivers and some special interest areas." (final EIS p. 306)

After review of the project record, the objection is substantiated. There is a contradiction between Table 9 (final EIS, p. 56) and the narrative on OSV suitability on p. 306 of the final EIS.

The objectors also state that, "the forest plan does not include plan components related to suitability of eligible wild and scenic river segments (Management Area 4.34) for over-snow vehicle use even though the final EIS states that eligible scenic and recreational rivers are unsuitable. It also does not include plan components prohibiting over-snow vehicle use in wild and scenic eligible river segments."

In response to the objection above, see Issue Summary for Wild and Scenic Rivers.

Additionally, the objector states that, "the forest plan at page 68, does not include a plan component making wilderness unsuitable for motorized or mechanized travel. Recommended Wilderness Management Area has this plan component (SUIT-MA 1.1a-5)."

A suitability determination for motorized or mechanized travel in Management Area 1 (Wilderness) is not necessary as these areas have been previously established by Congress through the Wilderness Act of 1964, which does prohibit motorized/mechanized travel in both winter and summer.

Conclusion

I find that the Forest has adequately identified suitability for motorized use and has sufficiently addressed travel management at the programmatic level in this land management plan. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Management Areas

Issue Summary – Special Interest Areas – NEPA Compliance

The objectors assert that the final plan should include the Spruce Hole/Osier/Toltec region and Chama Basin Watershed Protection Special Interest Areas (SIA). Objectors assert the following:

- Best available scientific information was not used to determine whether to include these areas as Special Interest Areas.
- These areas are not adequately protected without Special Interest Area designation due to oil and gas development potential and increased motorized use.
- Failure to sufficiently analyze significant beneficial effects of incorporating the Spruce Hole/Osier/Toltec Special Interest Areas violates NEPA, which requires the Forest Service to take a "hard look" at the environmental consequences of a proposed action, including its direct, indirect, and cumulative effects.

Objectors' Proposed Remedies

- Designate the Spruce Hole/Osier/Toltec and Chama Basin Watershed Protection as SIAs in the final plan.
- Re-analyze the effects of designating these areas as SIAs in the final EIS.
- Work with stakeholders to develop collaborative, cooperative management direction for SIAs during the objection process.

Response

The objectors assert a variety of violations of law, regulation, and policy in their objection to the exclusion of special interest areas in the preferred Alternative B modified, including violations of 36 CFR 219.7, 36 CFR 294.1, 36 CFR 219.3 as well as the NEPA hard look doctrine.

36 CFR 219.7 states that the responsible official may designate new special interest areas. To simplify plan implementation, the responsible official chose not to identify additional special interest areas. Further, the plan contains standards and guidelines to protect wildlife values in the areas that the objectors indicate should have been designated as special interest areas (final EIS Vol. II, 2019, pp. 135-136). The plan also includes a standard making special interest areas available for oil and gas leasing with no surface occupancy (SUIT-MA 4.1-3). The plan states that the provision will limit impacts to water and wildlife on the surface of special interest areas.

The objectors state that the plan violates 36 CFR 219.3 by not using the best available scientific information in determining whether to include these areas as special interest areas. The plan documents the process and information used to meet the best available scientific information requirement (draft ROD, 2019, pp. 22-23), in compliance with 36 CFR 219.3.

Objectors state that the agency is in violation of the NEPA "hard look" doctrine by not adequately evaluating the beneficial effects of the Spruce Hole/Osier/Toltec special interest area. The final EIS (pp. 336-341) includes a well-reasoned and documented analysis of environmental effects associated with special interest areas. As such, the forest complies with the "hard look" doctrine.

The forest plan addresses several of these objection issues in the final EIS (final EIS Vol. II, 2019):

1. The plan indicates that drafting plan components that are tailored to each special interest area would significantly increase the complexity of the forest plan (final EIS Vol. II, 2019, p. 135).
2. The forest plan includes a management approach that signals the responsible official's intention to prepare a management plan for each special interest area to maintain, enhance, or restore the conditions that justify the designation of a special interest area (final EIS Vol II, 2019, p. 135).
3. The revised plan does not recommend Spruce Hole/Osier/Toltec as a special interest area for the following reasons:
    a. Wildlife values represented by the Spruce Hole/Osier/Toltec are adequately protected through plan components dealing with species of conservation concern; federally listed, proposed, and candidate species; and plants and wildlife (final EIS Vol. II, 2019, p. 135).
    b. The creation of additional special interest areas would increase the complexity of plan implementation, which contradicts revision topic 3 included in the need for change (final EIS Vol. II, 2019, p. 135).
4. The land management plan does not recommend identifying the Chama Basin Watershed as a special interest area. It outlines the following reasons the plan does not include this recommended designation:

a. The recreational and fish habitat values represented by the proposed Chama Basin special interest area are protected through multiple plan components (final EIS Vol. II, 2019, p. 136).

b. Nearly 90 percent of the area is currently designated as a Colorado Roadless area, which the plan incorporates as a management area (final EIS Vol II, 2019, p. 136).

c. Designating Chama Basin as a special interest area would increase management complexity (final EIS Vol II, 2019, p. 136).

5. The plan at SUIT-MA 4.1-3 makes special interest areas available for oil and gas leasing with no surface occupancy. The provision will limit impacts to water and wildlife on the surface of special interest areas. The forest plan also includes many other components that protect water and wildlife from negative impacts associated with management activities, including oil and gas development. (final EIS Vol. II, 2019, p. 136).

The plan documents the use of the best available scientific information in the draft Record of Decision (pp. 22-23). Information used in the planning process include sources from libraries, research institutions, scientific journals, and online literature. It also includes information obtained from other sources, such as participation and attendance at scientific conferences, scientific knowledge from local experts, findings from ongoing research projects, etc.

Conclusion

Upon review of the record, I find that the Forest is in compliance with 36 CFR 219.7, 36 CFR 294.1, 36 CFR 219.3, as well as the NEPA hard look doctrine. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Issue Summary – Special Interest Areas – NEPA – Range of Alternatives

Objectors assert that failure to analyze the Wolf Creek Pass Special Interest Area under any alternative violates NEPA's requirement to evaluate all reasonable alternatives and does not address the need for change.

Objectors' Proposed Remedies

- Evaluate a Wolf Creek Pass Special Interest Area in at least one alternative.
- Describe the management direction that would be applied to such a designated area.

Response

The objectors state that the agency violated 40 CFR 1502.14(a), which requires the agency to rigorously explore and objectively evaluate all reasonable alternatives. For alternatives that were eliminated from detailed study, the EIS should briefly discuss the reasons for eliminating them.

The agency considered but eliminated from detailed study the designation of the Wolf Creek Lynx Linkage area as a special interest area. The plan provides a brief explanation stating the following, "Because linkage areas and associated direction are adequately identified in the Southern Rockies Lynx Amendment, no additional plan direction is included" (final EIS Vol. I, 2019 p. 47).

The Southern Rockies Lynx Amendment provides management direction through an objective, standard, and guidelines that apply to all projects within linkage areas in occupied habitat, subject to valid existing rights (revised plan, 2019, p. 188).

Conclusion

Upon review of the record, I conclude that the Forest is in compliance with 40 CFR 1502.4 and 40 CFR 1502.14. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Issue Summary – Special Interest Areas – NEPA – NFMA

The objectors assert that the treatment of special interest areas in the revised plan and final EIS is inadequate. The objectors assert that the consideration of special interest areas in the final EIS is too broad because it lumps all proposed special interest areas together. Furthermore, the plan does not contain objector-recommended plan components and management approaches that would make special interest areas designation meaningful.

Objectors' Proposed Remedies

- Analyze the proposed SIAs individually in the final EIS.
- Include recommended plan components and management approaches submitted in objector comments.

Response

40 CFR 1502.14(a) requires consideration of all reasonable alternatives to the proposed action. The revised plan and final EIS documented consideration of five alternatives in detail.

Alternative D proposed seven additional special interest areas to enhance wildlife connectivity, native fish habitat, and watershed protection, as well as to protect unique geologic features and one area of tribal importance. The final EIS provides a detailed description of each proposed special interest area in alternative D (pp. 336-337) and the effects on these proposed special interest areas from a variety of management activities and designations (pp. 337-341).

Conclusion

Upon review of the record, I conclude that the Forest follows 40 CFR 1502.14. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Issue Summary – Leasable Minerals – Suitability

The objectors assert that the plan and final EIS fail to show which lands are suitable for oil and gas leasing. The Forest Service should not presume that no current oil and gas development means that there will not be interest in oil and gas leasing over the life of the plan.

Objectors' Proposed Remedies

- Place a moratorium on all oil and gas leasing until a suitability determination and reasonably foreseeable development scenarios for oil and gas are fully analyzed.
- Display suitability and stipulations for suitable lands for each management area in the plan.

Response

The Forest is not preparing a revision to the oil and gas leasing decision made in the 1996 RGNF Land and Resource Management Plan (1996 LRMP) as part of this plan revision (final EIS, Vol. 1, page 32). The 1996 LRMP leasing decision identified lands suitable and available for oil and gas leasing and identified stipulations (e.g., no surface occupancy or controlled surface use) that would be applied to leases "to protect important surface-resource values and uses, and would be applied to specific lands on the Forest" (1996 LRMP, Appendix D). The direction included in the 1996 LRMP, as amended, is still applicable and has been adopted in this plan revision.

The revised plan identifies management areas where an oil and gas lease are an allowable activity (final EIS, Vol. 1, p. 56). The revised plan also contains suitability plan components for oil and gas leasing, including under what conditions lands could be leased (e.g., no surface occupancy or controlled surface use) in the management area specific land suitability sections for management areas 4.1, 4.2, 4.21, 4.34, and 5 as well as within the Continental Divide National Scenic Trail corridor.

The exploration for and development of oil and gas resources is an authorized use on National Forest System lands, except on lands that have been formally withdrawn from mineral leasing by Congress, Executive order, Order of the Secretary of Interior, lands recommended for wilderness allocation by the Secretary of Agriculture, and lands designated by statute as wilderness study areas.

In accordance with the Energy Security Act of 1980, "It is the intent of Congress that the Secretary of Agriculture shall process applications for leases on National Forest System lands and for permits to explore, drill, and develop resources on land leased from the Forest Service, notwithstanding the current status of any plan being prepared under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974."

In accordance with the Mineral Leasing Act, the jurisdiction and authority to issue oil and gas leases is solely under the purview of the Secretary of the Interior. The Federal Oil and Gas Leasing Reform Act of 1987 amended the Mineral Leasing Act and gave the Forest Service the authority to review surface resources of proposed mineral leases underlying National Forest System lands. The Forest Service does not have the jurisdiction or authority to impose a "moratorium" on oil and gas leasing. However, the Bureau of Land Management cannot issue an oil and gas lease underlying National Forest System lands without the consent of the Forest Service.

Currently, the Forest is not host to any oil or gas wells and does not have any oil and gas leases on the Forest. Additionally, the Bureau of Land Management has deferred oil and gas leasing on the Forest since approximately 2009 due to the absence of a corresponding leasing decision and adoption of the Forest's 1996 leasing analysis. New leasing cannot occur on the Forest until the Bureau of Land Management has a corresponding leasing decision. Oil and gas leasing for federal minerals underlying the Rio Grande National Forest are further managed by the Forest Service and Bureau of Land Management cooperatively through their separate process of leasing analysis and decisions.

Conclusion

Upon review of the record, I find that the responsible official will have adequately addressed oil and gas leasing under the 2012 planning rule once the instruction below is accomplished. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Instructions

I instruct Forest Supervisor Dan Dallas to include appropriate leasing stipulation documents from the 1996 LRMP.

Issue Summary – Leasable Minerals – Air Quality

The objectors assert that the plan fails to include monitoring questions and indicators related to air quality and that the final EIS fails to mention impacts to air quality from oil and gas operations.

Objectors' Proposed Remedies

The objectors request the Forest to add monitoring items related to air quality and to work with Colorado Department of Public Health and the Environment Air Quality Control Division to monitor air quality around the boundaries of National Forest System lands.

Response

The objector asserts that the revised plan fails to mention impacts to air quality from oil and gas operations. Potential effects on air quality from oil and gas operations are addressed in final EIS Vol. 1, page 78, which states, "Mineral extraction is anticipated to continue at similar levels as was anticipated in the 1996 forest plan, and similar to current activity levels." Additionally, the Forest does not host any oil or gas development or wells, and there are no existing oil and gas leases for minerals underlying the Forest (final EIS, Vol. 1, p. 166).

Relevant authorities and air quality-related plan components are included on page 47 of the revised plan. Table 14 of the revised plan (p. 88) lists monitoring questions and indicators.

Conclusion

Upon review of the record, I find that the responsible official described potential air quality impacts, including those associated with oil and gas activities, and included monitoring questions and indicators relevant to air quality. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Issue Summary – Leasable Minerals – Wildlife Habitat Management Conflicts

Objectors assert that the lands within the proposed Spruce Hole Special Interest Area (SIA) are not adequately protected without designation as an SIA due to high oil and gas development potential. Further, the objectors state that oil and gas development in this area would affect migrating wildlife.

Objectors' Proposed Remedies

Designate the Spruce Hole area as a Special Interest Area to minimize detrimental impacts to wildlife.

Response

The Spruce Hole area of the Forest is not a designated SIA, nor is it a candidate for designation as an SIA in the revised plan. Spruce Hole is part of the Spruce Hole-Sheep Creek Colorado Roadless Area (CRA) (revised plan, Table 12, pp. 70-71). Designated CRAs are managed in

accordance with 36 CFR Part 294, Subpart D – Colorado Roadless Area Management. CRAs are designated as Management Area 3 in the revised plan.

The intent stated in the Colorado Roadless Rule "is to protect roadless values by restricting tree cutting, sale, and removal; road construction and reconstruction; and linear construction zones within CRAs, with narrowly focused exceptions." (Federal Register, vol. 77, no. 128, Tuesday July 3, 2012, pp. 39602-39612).

Leases for minerals underlying the Spruce Hole-Sheep Creek Roadless Area would be subject to a no surface occupancy stipulation, which prohibits all surface occupancy, including roads and well sites. Additionally, in accordance with the Colorado Roadless Rule and 36 CFR Part 294 Subpart D, Subsection 294.46, the Bureau of Land Management and Forest Service are prohibited from granting any request for waiver, exception, or modification to a lease stipulation if doing so would result in any road construction within a Colorado Roadless Area.

Conclusion

I find that the responsible official has provided adequate protection for migrating wildlife within the vicinity of Spruce Hole. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Range Management

Issue Summary – Range Health

The objectors assert that the range-related plan components are insufficient to ensure protection and recovery of rangeland health and at-risk species. Furthermore, they state that there are no standards that would restrict livestock use of rangeland that is in unsatisfactory condition. The final EIS fails to disclose how much rangeland is in unsatisfactory condition.

Objectors' Proposed Remedies

- Add plan components that require protection of regeneration in areas opened up by spruce beetle mortality, such as prohibiting use of such areas, construction of fences or other barriers, or requiring riders to keep stock out of areas with regeneration.
- Produce a supplement that shows range condition and trend for allotments across the Forest.

Response

The final EIS evaluates effects of livestock grazing on a diversity of ecosystems and habitat types, including those necessary to several at-risk species that occur on the Forest. The management direction regarding livestock grazing is expected to maintain the vegetative conditions associated with threatened and endangered species such as lynx.

The revised forest plan provides a suite of plan components, including standards or guidelines, to maintain or restore the ecological integrity of terrestrial and aquatic ecosystems and watersheds in the plan area. The objectors take issue with the range management plan components stating that they are inadequate to protect at-risk species and their habitats from uses such as livestock grazing. Protection for at-risk species is included in other plan components under Threatened, Endangered, Proposed, and Candidate Species (TEPC); Riparian Management Zones (RMZ); Species of Conservation Concern (SCC); Groundwater-Dependent Ecosystems (GDE); and other resource areas. These additional plan components, such as S-GDE-1, restrict management actions including livestock grazing. The standard S-GDE-1 states "Do not authorize

management actions that alter the hydrology of groundwater-dependent habitat features. (Forestwide)" (forest plan, 2019, p. 44). Other plan components are in place to protect at-risk species and their habitats from uses such as livestock grazing.

In regard to rangeland acres within unsatisfactory condition, forest plan guideline G-RNG-1 provides more restrictive livestock grazing guidelines to move rangelands in unsatisfactory condition toward desired conditions. The monitoring plan within the forest plan (p. 99) also indicates that the Forest will be monitoring the status and trend of rangeland health.

Though strategic guidance is provided, no decisions will be made regarding the management of individual grazing allotments (final EIS, 2019 pp. 14-15). Project-level environmental analysis for individual grazing allotments will further identify rangelands in satisfactory or non-satisfactory condition as well as identify site-specific actions that will ensure rangelands are meeting or moving toward satisfactory conditions. The project-level analysis will also provide site-specific actions to ensure protection of at-risk species, consistent with plan components outlined in the forest plan.

Conclusion

Upon review of the record I find that the Forest is in compliance with 36 CFR 219.9(a) and (b). Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Issue Summary – Tree Regeneration

The objectors state that weak plan components will not ensure protection of tree regeneration in areas of livestock use. They state that plan components are needed to ensure protection of tree regeneration within areas having substantial overstory mortality from spruce bark beetle.

Objector's Proposed Remedy

Add plan components to ensure protection of tree regeneration in areas used by livestock and in areas with substantial overstory mortality from spruce bark beetle.

Response

The National Forest Management Act (NFMA) establishes the need for reforestation. The forest plan identifies minimum restocking levels for suitable timber lands defined under S-VEG-3 (revised plan, pp. 34-35 Table 7). The EIS notes that there are areas where reforestation goals require excluding livestock grazing until trees have become established and grow to a size that cannot be damaged by livestock (final EIS, p. 157).

The revised plan has a management approach in the range section that states, "Grazing administration will discourage livestock use in openings created by fire or timber harvest that would delay successful regeneration of the shrubs and trees, and in sensitive riparian, wetland, and spring ecosystems" (revised plan, p. 20) Additionally DC-RNG-3 states "Temporary forage is available for grazing within existing, permitted allotments in coordination with other resource needs, e.g., reforestation. (Forestwide)" (revised plan, p. 20)

Conclusions

Upon review of the record, I conclude that the revised plan is in compliance with the National Forest Management Act and find that plan components S-VEG-3 and DC-RNG-3, as well as the

management approach outlined above, will support tree regeneration. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Forest Products

Issue Summary – Forest Products – Timber Suitability

The objectors contend that the timber suitability analysis identifies many acres of land as "may be suitable" for timber production that are not suitable, including areas that have few trees, mass movement potential, big game winter range, or bighorn sheep habitat, or stands with Engelmann spruce or formerly having Engelmann spruce. Economic factors must also be used to determine timber suitability.

Objectors' Proposed Remedies

- Revise the timber suitability analysis to eliminate areas with few trees, mass movement potential, Engelmann Spruce, big game winter range, bighorn sheep habitat, or are economically infeasible.
- Recalculate the sustained yield limit, projected timber sale quantity, and projected wood sale quantity.

Response

The Forest addressed timber suitability in a variety of ways throughout the revised plan. The Forest has done a comprehensive calculation of these acres in the Timber Suitability and Analysis section of the revised plan (Appendix C, pp. 153-155) and addresses unsuitable areas (final EIS Vol. 2 p. 142) via wildlife-specific plan components and soils analysis (final EIS vol 1. pp. 174-177).

High mass-movement potential acres have been removed from timber suitability, with the exception of some acres in the Cumbres Pass area, which has high mass-movement potential rated soils, but due to local conditions like low slopes, are considered lower risk. My review finds that the guideline G-SOIL-1 provides adequate protection for areas with high mass movement potential for the limited number of acres that meet this criterion in the timber suitable base (final EIS Vol 1. pp. 175-177, and Forestwide Soil guideline (G-SOIL-1) in the revised plan on p. 22).

Further, my review finds that areas have been removed from the timber suitability base due to few or no trees and poor reforestation potential as requested by the objector. The process used to eliminate these acres is well described in the project record.

Big Game Winter Range management areas are considered suitable for timber production; however, guidelines restrict activities during winter months to protect winter range (G-WLDF-1, p. 40). Impacts to bighorn sheep reproduction are managed through the Forestwide standard for Species of Conservation Concern (S-SCC-2, revised plan, p. 24).

My review finds that there is no basis to remove all acres with the forest cover type of Engelmann spruce or subalpine fir from the suitable timber base; furthermore, there is no regulation or law that would support this process (revised plan, Appendix C, p. 153).

The plan recognizes the economic feasibility, or lack thereof, of some suitable timber acres (revised plan, p. 155 and final EIS Vol. 2, p. 142).

Conclusions

Upon review of the record, I find that the responsible official accurately determined areas suitable for timber production and accounted for areas that are not suitable in plan components. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Issue Summary – Projected Timber Sale Quantity (PTSQ)

The objectors disagree with the Forest's decision to limit the average timber sale quantity in years 4-20, especially when the Sustained Yield Limit is considerably larger. The objectors contend that PTSQ should be modeled under an unlimited budget assumption and consistent with all plan components to determine an average annual volume output for years 4-20. The objectors request that an updated PTSQ be included in the timber sale quantity objective with the following footnote: "Estimates of timber outputs may be larger or smaller on an annual basis, or over the life of the plan, if legal authorities, management efficiencies, or unanticipated constraints change in the future."

Objectors' Proposed Remedies

- Model projected timber sale quantity under an unlimited budget and consistent with all plan components
- The timber sale quantity objective should include the following footnote: "Estimates of timber outputs may be larger or smaller on an annual basis, or over the life of the plan, if legal authorities, management efficiencies, or unanticipated constraints change in the future."

Response

While the objectors would like the projected timber sale quantity (PTSQ) estimated assuming an unlimited budget, 36 CFR 219.1(g) states that "the responsible official shall ensure that the planning process, plan components, and other plan content are within Forest Service authority, the inherent capability of the plan area, and the fiscal capability of the unit."

As discussed in the draft ROD and seen in plan component S-VEG-7, the LMP identifies the maximum quantity of timber that may be removed from the plan area as the Sustained Yield Limit, which was determined to be 73,749 CCF (hundred cubic feet) per year. The Sustained Yield Limit is the limitation on timber harvest. As defined in FSH 1909.12, Chapter 60, the projected timber sale quantity is not a limitation on harvest.

Conclusion

After review of the record, I find that the responsible official accurately calculated the PTSQ as required under the 2012 Planning Rule. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Issue Summary – Spruce-Fir Management

The objectors disagree with the Forest's decision in the land management plan to not treat spruce-fir because according to Table 22, the spruce-fir ecosystem also includes lodgepole pine. Although not a huge part of the forested ecosystem (4 percent in Table 38), this species needs to be managed, especially with 70 percent in the sapling-pole stage.

Objectors' Proposed Remedy

Include non-salvage timber management activity in spruce-fir ecosystem.

Response

The planned timber sale program for the first decade is displayed in the final EIS (vol. 1, p. 59 Table 12). The Forest does not specify treatments in the lodgepole pine timber type, nor do they describe planned treatment activities in general for all timber types. The revised plan in no way excludes the management of the lodgepole pine forest type where it coincides with the suitable timber base. Site-specific environmental analysis and decision-making informed by management area specific desired conditions will drive vegetation management throughout the life of the plan for all forest types in the suitable base to include stands where lodgepole pine is present.

Conclusion

After review of the record, I find that the responsible official adequately considered future management of lodgepole pine present in the suitable timber base. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Issue Summary – Reduction in Timber Base

The objectors disagree with the removal of the Continental Divide National Scenic Trail and the Old Spanish National Historical Trail from the suitable base. The objectors also disagree with the inclusion of a one-half-mile buffer on each side of the trail. As stated in Brian Ferebee's letter dated December 7, 2017, "most management activities can continue to occur within the trail corridor if they are implemented in a way that is sensitive to the purposes for which the CDT was designed… A high scenic integrity objective within the trail corridor does not preclude timber harvest, rather, it guides planning teams to incorporate design and mitigation measures to minimize short term impacts to scenery…."

Objectors' Proposed Remedy

- Add the Continental Divide National Scenic Trail and Old Spanish National Historic Trail to the suitable base.

Response

The Continental Divide National Scenic Trail (CDNST) and Old Spanish National Historic Trail were removed from the suitable timber area within the one-mile-wide trail corridor that captures the foreground viewshed (one-half mile) on either side of the trail. The rationale for the removal was that timber production is not compatible with the desired conditions and objectives for these areas. However, some areas of the trail corridor are characterized as "may be suitable" (for example, outside of wilderness). Site-specific NEPA could authorize timber harvest if the activity incorporated design and mitigation measures to minimize impacts to scenery.

Conclusion

After review of the record, I find that the responsible official adequately considered timber suitability in the CDNST and Old Spanish Trail corridors. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Recreation

Issue Summary – Winter Recreation

The objectors assert that the revised plan does not include a winter recreation opportunity spectrum, therefore failing to integrate winter recreation with other resource values to derive sustainable recreation outcomes for winter activities on the Forest, as required in FSH 1909.12 and 36 CFR 219.10(b).

Objectors' Proposed Remedies

The final plan must provide clear direction for over-snow vehicle use and planning, which should include:

- A clear statement that the Rio Grande is not yet in compliance with Subpart C of the Travel Management Rule.
- Establish a "closed unless marked open" over-snow vehicle management framework in the forest plan.
- Identify areas with inadequate snowpack, taking climate change into account, and find them unsuitable for over-snow vehicle travel.
- Establish a minimum snow depth for over-snow vehicle use.
- Establish a specific winter ROS classification table and map.
- Revise the final EIS to include a detailed analysis of places suitable and unsuitable for over-snow vehicle use considering relevant resources (e.g. wildlife disturbance, wildlife connectivity, snowfall, climate change, soils, vegetation) and social factors (e.g., recreation conflicts, preferences and use patterns).

Response

The objectors' concerns were addressed during scoping, see final EIS Vol 2. REC-4, REC-5, REC-6 (p. 107).

There are no requirements in existing law, regulation, or policy that a recreation opportunity spectrum specific to winter recreation activities be developed as part of a Forest Service land management plan. As such, the land management plan is in compliance with both FSH 1909.12 Sec 23.23 as well as 36 CFR 219.10(b)(1)(i).

See response for Issue Summary – Travel Management Rule Subpart C.

Conclusion

After review of the record, I find that the responsible official exercised his authority to delay winter recreation opportunity spectrum development until initiation of Travel Management planning under Subpart C of the Travel Management Rule. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Instruction

See instruction for Issue Summary – Travel Management Rule Subpart C.

Issue Summary – Mechanized Use

The objectors assert that the Forest intends to restrict mechanized use to designated routes Forestwide, as stated on pages 54 and 56 of the final EIS. The objectors discussed and supported this restriction in comments summited on December 23, 2017, to the draft forest plan and DEIS.

The objector points out "page 296 of the final EIS also states that mechanized use is restricted to designated routes outside of the wilderness. Language in the Final Plan, however, fails to consistently provide adequate direction to restrict mechanized use to designated routes Forestwide in the management areas that allow mountain bike use."

The objectors recommend including management area specific land suitability determinations for Management Areas 3, 4.1, 4.2, 4.34, and 4.8 that mechanized travel is only suitable on designated routes.

Objectors' Proposed Remedy

Include Management Areas Specific Land Suitability determinations for Management areas 3, 4.1, 4.2, 4.34, and 4.8 that mechanized travel is only suitable on designated routes.

Response

The objector refers to page 296 of the final EIS, which states: "Non-motorized activities are unrestricted and occur in winter and summer. Mechanized transport, such as mountain bikes and fat-tire bikes that ride over snow, are not allowed in wilderness. Outside of wilderness, mechanized use is restricted to designated routes."

The plan outlines management areas and defines what activities are suitable for each management area in accordance with 36 CFR 219.7€(1)(v): "Specific lands within a plan area will be identified as suitable for various multiple uses or activities based on the desired conditions applicable to those lands. The plan will also identify lands within the plan area as not suitable for uses that are not compatible with desired conditions for those lands. The suitability of lands need not be identified for every use or activity. Suitability identifications may be made after consideration of historic uses and of issues that have arisen in the planning process."

Forest Service directives, FSH 1909.12, ch. 20, sec. 23.23.l explain that travel management analysis is a separate process from land management planning. The impacts of the transportation system on forest resources and sustainability will be analyzed in detail during the travel management process, which will be completed subsequent to revising the land management plan. Until that process is complete, the travel management plan approved with the 1996 forest plan will continue to be implemented (final EIS p. 13).

Conclusion

After review of the record, I find that the responsible official established suitability of uses for all management areas to include mechanized use. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Instruction

I am instructing the responsible official to adopt the objector-proposed remedy brought forward at the January 14, 2020, resolution meeting in Alamosa, Colorado, of using language like that in the White River Forest Plan that clarifies motorized and mechanized travel is allowed only on designated routes.

Designated Areas

Continental Divide National Scenic Trail (CDNST)

Issue Summary – CDNST 1 – Management Conflicts

The objectors assert that the management of the Continental Divide National Scenic Trail (CDNST) outlined in the revised plan conflicts with the provisions of the National Trails System Act (NTSA) and the CDNST Comprehensive Plan.

Objectors' Proposed Remedies

The objectors proposed multiple remedies to address their raised issues, including:

- Urge the Forest Service to look at the entirety of the NTSA and recognize the application of the multiple use mandates on a segment by segment basis are required by the Act rather than apply blanket management standards.
- Include standards that comply with the NTSA provision that requires management designation on segments of the CDNST consistent with multiple uses of the route and specifically allowing motorized use on some segments.

Response

The revised plan presents the CDNST as a linear feature, with a one-half-mile scenic corridor on either side, crossing multiple management areas (final EIS, p. 38). CDT-34 explains that "A mapped trail corridor is required by Forest Service Handbook 1909.12 [specifically 24.43(1)(c.)]. The corridor itself is not exclusionary, as it is just a spatially identifiable area. Land management plan direction applied to the corridor determines what management activities could occur within the corridor." The revised plan direction includes plan components associated with the CDNST and the management areas the corridor crosses as well as other relevant plan components such as those associated with recreation and scenery. The only activities excluded from the corridor are leasable mineral and common variety mineral development and extraction as set forth in S-CDT-1 and S-CDT-2. The Forest provided additional clarification on this topic in various responses to comments on the DEIS (pp. 19-39 of the final EIS, vol. 2, and specifically CDT-9, CDT-35, CDT-36, CDT-47, and CDT-48).

The NTSA of 1968 authorized creation of a national trail system and Congress designated the CDNST in 1978 (final LMP p. 49). The Continental Divide National Scenic Trail Comprehensive Plan, published in 2009, defines the nature and purpose of the CDNST and "sets forth direction to guide the development and management of the CDNST."

The objector points to text in the NTSA and argues that the text is in conflict with the final LMP, particularly the plan components that emphasize non-motorized use on the CDNST. For example:

- NTSA Section 7(a)(2), "Potential trail uses allowed on designated components of the national trails system may include, but are not limited to, the following: bicycling, cross-country skiing, day hiking, equestrian activities, jogging or similar fitness activities, trail biking, overnight and long-distance backpacking, snowmobiling, and surface water and underwater activities. Vehicles which may be permitted on certain trails may include, but

need not be limited to, motorcycles, bicycles, four-wheel drive or all-terrain off-road vehicles."

- NTSA Section 7(a)(2), "Development and management of each segment of the National Trails System shall be designed to harmonize with and complement any established multiple-use plans for the specific area in order to insure continued maximum benefits from the land."
- NTSA Section 3(a)(2), "National scenic trails, established as provided in section 5 of this Act, which will be extended trails so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass."

However, additional language in the NTSA and Continental Divide National Scenic Trail Comprehensive Plan defines conditions when motorized use can be permitted on the trail while also clarifying the nature and purpose of the CDNST. Section 5(a)(5) states, in part, "Not with-standing the provisions of section 7(c), the use of motorized vehicles on roads which will be designated segments of the Continental Divide National Scenic Trail shall be permitted in accordance with regulations prescribed by the appropriate Secretary."

Conclusion

Upon review of the record, I find that the responsible official developed plan components that were consistent with both the National Trails System Act (NTSA) and the CDNST Comprehensive Plan. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Instruction

Though I have affirmed the responsible official's decision as it relates to the issue discussed above, in my resolution discussions with objectors I determined that additional clarity is needed regarding multiple use of the trail. Therefore, I am instructing the responsible official to provide additional detail regarding travel within and across the trail corridor.

Issue Summary – CDNST 2 – Insufficient Analysis and Range of Alternatives

Objectors allege that the final EIS failed to consider an adequate range of alternatives for CDNST management and did not adequately analyze impacts associated with the CDNST and surrounding areas. Furthermore, objectors allege that changes between release of the DEIS and final EIS do not address NFMA requirements. The objectors assert that the final EIS failed to address substantive, factual comments identifying the need to modify the proposed action and alternatives.

Objectors assert that National Scenic and Historic Trails were not addressed in the discussion of overlapping management direction under alternative B Modified and there is no mention of the relationship between National Scenic and Historic Trails and the "linear features" hierarchy of protection with Management Area designations.

Objectors assert that plan components for the CDNST do not reflect the use of the best available scientific information and methodology.

Objectors assert that the proposed CDNST management direction must be modified, since the proposed plan would allow uses and activities along the CDNST route and rights-of-way that would substantially interfere with maintaining or achieving the nature and purposes of this National Scenic Trail.

Objectors' Proposed Remedies

- Supplement the final EIS to disclose the totality of the effect on forest products, fire suppression, fire management, and vegetation management from providing for the nature and purposes of National Scenic and Historic Trails.
- Include a National Scenic and Historic Trail Suitability statement that states: "The identified National Scenic and Historic Trail corridors are not suitable for timber production."
- Remove any determinations for over-snow vehicle use.
- Prepare a supplemental EIS that addresses the effects on CDNST nature and purposes from timber harvest, vegetation management, livestock grazing, roads, designated motor vehicle trails, fire management, and mineral resource activities.
- Prepare a supplemental EIS that describes protection of wilderness values by establishing a plan component that identifies recommend wilderness as not being suitable for motor vehicle use and mechanized transport. Management of recommended wilderness to protect wilderness characteristics supports the conservation purposes of this national scenic trail and is fully compatible with the CDNST nature and purposes.
- Include all FSM and FSH direction intended to control projects as plan components.
- Modify grazing direction in wilderness to assure that this use would not interfere with maintaining or achieving the nature and purposes of the CDNST. Modifications were recommended in comments submitted to the draft forest plan and DEIS.
- To be consistent with the Landscape Aesthetics Handbook use the term "natural-appearing".
- Define "short-term impacts the scenic integrity of the Continental Divide National Scenic Trail?" Also address long-term impacts related to the scenic integrity of the CDNST.
- Clarify the visual resource guidance for forest health projects.

Response

See response to Issue Summary - NEPA Violations.

The final EIS provided an explanation of changes from the draft land management plan to final land management plan, stating, "In response to internal and external comments received, plan components, including desired condition, objectives, standards, and guidelines have been revised to better meet the intent and direction of the 2012 Planning Rule (36 CFR 219) and its implementing direction (FSH 1909.12). The intent of the direction did not change. Rewrites combined like or redundant direction, added clarity and specificity (final EIS vol. II, p. 197)." Responses to comments received on the draft land management plan and DEIS specific to the Continental Divide National Scenic Trail (CDNST) were included in the final EIS, Volume II, pages 19-39.

Plan direction includes plan components associated with the CDNST (LMP, pp. 49-52) and the management areas the corridor crosses as well as other relevant plan components such as those associated with recreation and scenery. Hierarchy of management direction was outlined in the plan (LMP, Appendix H). The land management plan explains that when management directions overlap, the more restrictive management applies (see final EIS Vol. 1 p. 15 and final EIS Vol. 2, CDT-1, p. 19).

The effects analysis for Congressionally Designated Trails (CDT) such as the Continental Divide National Scenic Trail (CDNST) and the Old Spanish National Historic Trail are discussed on pp.

310-313 of the final EIS. The analysis concluded that Alternatives B, B modified, and C include plan direction that presents a balanced approach to managing these linear features in a multiple use environment.

OBJ-CDT-1 of the revised plan calls for the restoration or relocation of one segment of the CDNST to improve scenic viewing opportunities and/or to provide for a non-motorized experience over the next 15 years (revised plan p. 52). The CDNST also traverses many wilderness or other designated areas that are subject to additional and/or unique management direction. In these instances of overlap, the revised plan should be clear that the most restrictive provisions would apply. (CDT Recommended Forest Plan Components 2017).

Any future proposed projects regarding CDTs will be subject to a separate site-specific analysis under NEPA in compliance with the revised plan and utilize the recreation opportunity spectrum and other scenery management processes as required.

In addition, the impacts of the transportation system on Forest resources and sustainability will be analyzed in detail during the travel management process. which will be completed subsequent to revising the land management plan. Until that process is complete, the travel management plan approved with the 1996 forest plan will continue to be implemented (final EIS p. 13).

Conclusion

Upon review of the record, the responsible official adequately considered a reasonable range of alternatives, provided plan components that support the nature and purposes of the CDNST, and adequately addressed the effects of the alternatives at the strategic, programmatic level. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Issue Summary – CDNST 3 – Economic Impacts

Objectors allege that the final EIS violates the National Trails System Act (NTSA) and the National Environmental Policy Act (NEPA) by not including a cost/benefit analysis.

Objectors' Proposed Remedy

Include analysis of the economic impacts of CDNST management, the cost and benefits to local communities for restricting the CDNST to hike and horse only, and the economic impacts of the 1-mile wide corridor.

Response

A cost-benefit analysis associated with the CDNST for each alternative was not conducted and is not required by the NTSA or NEPA. Objectors assert that Section 7 (16USC1244) of the NTSA mandates a cost/benefit analysis. However, no such requirement exists in the cited section or elsewhere in the NTSA.

The cost/benefit requirements in NEPA, 40 CFR § 1502.23 explains that "For purposes of complying with the [NEPA], the weighing of the merits and drawbacks of the various alternatives need not be displayed in a monetary cost-benefit analysis and should not be when there are important qualitative considerations."

Objectors also assert that Executive Order 13563 and Executive Order 13771 require Federal agencies to undertake a cost/benefit analysis of management decisions. Both cited orders pertain

to the development of new or repealed regulations. This planning process does not represent a regulatory action.

Conclusion

I find that the responsible official adequately disclosed the programmatic economic impacts associated with recreation across alternatives in the final EIS. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Issue Summary – CDNST 4 – Plan Component Sufficiency

Objectors assert that the Rio Grande Land Management Plan direction does not protect the nature and purpose of the Continental Divide National Scenic Trail.

Objectors state the "plan does not include the necessary plan components, including standards and guidelines. None of the alternatives propose to manage the CDNST." The objector alleges the final plan components fail to address concerns identified in the DEIS comments.

Objectors' Proposed Remedies

- Establish standards, guidelines, and suitability determinations that support the nature and purposes of the CDNST.
- Remove the over-snow direction.
- Supplement the plan and final EIS to address the omission of clear descriptions of designated area values.

Response

The land management plan states that the Forest is responsible for the Continental Divide National Scenic Trail and that it will be managed "consistent with the nature and purposes of the trail as described in the 2009 Continental Divide National Scenic Trail Comprehensive Plan, and any revisions" (revised plan, p. 49). The CDNST Comprehensive Plan is incorporated by reference and referred to in the trail description and in the management approach. FSH 1909.12 22.1 describes that plan components "may be used to carry out laws, regulations, or policies, but should not merely repeat existing direction from laws, regulations, or directives." The plan has used the preferred method for referencing the existing nature and purpose as found in the CDNST Comprehensive Plan without repeating it.

The revised plan components that apply to the trail and the one-half-mile buffer that surrounds the trail are contained on pages 49-52 of the revised plan. There are also Forestwide standards and guidelines that maintain the nature and purpose of the trail (revised plan pp. 54 and 61).

Appendix H contains a diagram of regulation that is not included in the plan but must be adhered to by the Forest in enacting the plan. This diagram shows that "Direction for managing National Forest System land comes from a variety of levels. National and regional direction includes laws, Executive orders, regulations, and Forest Service policies. The hierarchy of management direction from national and regional direction to the site-specific, project-level direction used in implementing the forest plan is illustrated in Figure 16."

The final EIS provided an explanation of changes from the draft land management plan to final land management plan, stating, "In response to internal and external comments received, plan components, including desired condition, objectives, standards, and guidelines have been revised to better meet the intent and direction of the 2012 Planning Rule (36 CFR 219) and its

implementing direction (FSH 1909.12). The intent of the direction did not change. Rewrites combined like or redundant direction, added clarity and specificity (final EIS Vol. II, p. 197)." Responses to comments received on the draft land management plan and DEIS specific to the CDNST were included in the final EIS, Vol. II, pages 19-39.

The objectors allege that plan components fail to address concerns identified in the DEIS comments related to travel management. However, travel management will occur subsequent to plan revision.

See also response to Issue Summary for NEPA Violations and Travel Management, Subparts A and C.

Conclusion

Upon review of the record, I find that the responsible official provided adequate plan components for management of the CDNST. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Issue Summary – CDNST 5 – Management Areas and Plan Component Sufficiency

Objectors allege that not describing the CDNST as a management area with associated plan components is an action not based on consideration of the relevant factors and is not in accordance with law or in observance of procedure required by law.

The plan established the trail corridor as a linear feature with the same set of plan components, which meets the definition of a management area. Management area is a common forest planning term while a buffered linear feature is not.

The description of the CDNST corridor is confusing and adds to the complexity of the forest plan management direction.

Objectors' Proposed Remedies

- Use alternative D with the trail in a management area.
- Establish a CDNST Management Area with an extent of at least one-half mile on both sides of the recognized CDNST travel route and along high-potential route segments (as depicted in Appendix A).
- Recommend for wilderness the portion of the Pole Mountain/Finger Mesa roadless area that is west of the Pole Creek trail route 820.
- Use scenery definitions that are identical to how the terms are described and used in the Landscape Aesthetics Handbook.
- Recreation opportunity spectrum class definitions should be expanded to add descriptions of Access, Remoteness, Non-Recreation Uses, Visitor Management, Social Encounters, and Visitor Impacts setting indicators.
- Modify the CDNST Management Area (corridor) direction by adding the following plan components:
    - Desired Condition: The management area contributes to providing for the nature and purposes of the CDNST. The nature and purposes of the CDNST are to provide for high-quality scenic, primitive hiking and horseback riding opportunities and to conserve natural, historic, and cultural resources along the corridor.

- Desired Condition: The CDNST corridor provides panoramic views of undisturbed landscapes in a tranquil scenic environment. Scenic integrity objectives of High and Very High contribute to the desired scenic character.
- Desired Condition: Primitive and Semi-Primitive Non-Motorized ROS class settings are protected.
- Standard: To provide for desired Scenic Character, management actions must meet a Scenic Integrity Level of Very High or High in the immediate foreground and foreground visual zones as viewed from the CDNST travel route. Management actions within the Wolf Creek Ski Area must meet a scenic integrity objective of Moderate within the ski area boundary as viewed from the CDNST travel route.
- Standard: Resource management actions and allowed uses must be compatible with maintaining or achieving Primitive or Semi-Primitive Non-Motorized ROS class settings. Accepted inconsistencies are existing National Forest System roads (maintenance level 2 and higher), state and county road rights-of-way, existing utility rights-of-way, and general public motor vehicle use that is allowed as described under motor vehicle use by the general public.
- Standard: Motor vehicle use by the general public is prohibited by the NTSA unless that use:
  - Is necessary to meet emergencies;
  - Is necessary to enable adjacent landowners or those with valid outstanding rights to have reasonable access to their lands or rights;
  - Is for the purpose of allowing private landowners who have agreed to include their lands in the CDNST by cooperative agreement to use or cross those lands or adjacent lands from time to time in accordance with Forest Service regulations; or
  - Is on a motor vehicle route that crosses the CDNST, as long as that use will not substantially interfere with the nature and purposes of the CDNST,
  - Is designated in accordance with 36 CFR Part 212, Subpart B, on National Forest System lands or is allowed on public lands and: The vehicle class and width were allowed on that segment of the CDNST prior to November 10, 1978, and the use will not substantially interfere with the nature and purposes of the CDNST or that segment of the CDNST was constructed as a road prior to November 10, 1978; or
  - In the case of over-snow vehicles, is allowed in accordance with 36 CFR Part 212, Subpart C, on National Forest System lands or is allowed on public lands and the use will not substantially interfere with the nature and purposes of the CDNST
- Standard: The CDNST travel route may not be used for a livestock driveway.
- Guideline: To protect the values for which the CDNST was designated, resource uses and activities that could conflict with the nature and purposes of the CDNST may be allowed only where there is a determination that the other use would not substantially interfere with the nature and purposes of the CDNST.
- Suitability: The Management Area is not suitable for timber production
- Objective: For the purpose of implementing CDNST comprehensive planning site-specific measures and actions, a CDNST unit plan should be completed within five years.

- Suitability (Determinations to Omit): The Forestwide and management area direction that affects the CDNST corridor should be silent on the suitability of motor vehicles, over-snow vehicles, mechanized transport, and livestock grazing.

Response

The final EIS effectively analyzes the CDNST in alternatives B, B modified, C, and D, which include discussion of management area plan components. The revised plan establishes a trail corridor and plan components consistent with the 2009 CDNST Comprehensive Plan and the National Trails System Act. The standards and guidelines can be found in the revised plan on pages 49-52.

FSH 1909.12 part 24.43 states "The Interdisciplinary Team shall use the national scenic and historic trails rights-of-way maps required by 16 U.S.C. 1246(a)(2) to map the location of the trails. Where national trail rights-of-way have not yet been selected, the Interdisciplinary Team shall reference the establishing legislation (16 U.S.C. 1244(a)) as the primary source for identifying and mapping the national scenic and historic trails right-of-way. If the right-of-way has not been selected, either through legislation or publication in the Federal Register, the Interdisciplinary Team should use other information to delineate a national scenic and historic trails corridor that protects the resource values for which the trail was designated or is being proposed for designation (16 U.S.C 1244(b))."

On page 38 of the final EIS, the CDNST is described as a linear feature, with a one-half-mile scenic corridor on either side, which crosses multiple management areas. Where the CDNST runs through multiple management areas, the most restrictive management direction will prevail. Please refer to analysis completed under National Scenic and Historic Trail Management Issue 1, 8 and 9 and final EIS Vol. 2 response to comment CDT-7, CDT-8, CDT-10, for further analysis.

Conclusion

Upon review of the record, I find that the responsible official has adequately described the CDNST corridor in compliance with FHS 1909.12. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Instruction

In my review I have identified inconsistencies in how the trail itself is characterized in the plan. I instruct the responsible official to make changes to ensure consistency in terminology as relates to the CDNST.

Issue Summary – CDNST 6 – NEPA Compliance

Objectors assert that the final EIS does not support the draft Record of Decision. A decision based on the final EIS would be arbitrary, capricious, an abuse of discretion, and not in accordance with law.

The decision in the draft Record of Decision is not based on a reasonably thorough discussion of the significant aspects of the probable environmental consequences on the CDNST nature and purposes values.

The draft ROD is not in compliance with 40 CFR 1505.2 (b) since it did not identify and discuss all factors including the protection of National Scenic and Historic Trail values.

Objectors' Proposed Remedy

None provided.

Response

See response to Issue Summary CDNST 2 and NEPA Violations.

Any future proposed projects regarding the CDNST will be subject to a separate site-specific analysis under the National Environmental Policy Act (NEPA); in compliance with the revised land management plan, and utilizing other laws, regulations, and policies as required.

The Council of Environmental Quality (CEQ) regulations 40 CFR 1505.2 (b) requires an agency to: identify all alternatives considered by the agency in reaching its decision, specifying the alternative or alternatives which were considered to be environmentally preferable. An agency may discuss preferences among alternatives based on relevant factors including economic and technical considerations and agency statutory missions. An agency shall identify and discuss all such factors including any essential considerations of national policy which were balanced by the agency in making its decision and state how those considerations entered into its decision.

The draft Record of Decision discusses all alternatives, including the environmentally preferable alternative on pp. 19-22. The findings required by other decisions and findings required by other laws are discussed on pp. 24-34.

Conclusion

Based on review of the record, the responsible official has adequately analyzed and disclosed the environmental effects and considered a reasonable range of alternatives under NEPA in relation to the CDNST. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Issue Summary – CDNST 7 – Insufficient Cumulative Effects Analysis

Objectors assert that the land management plan must include a list of types of possible projects for the next three to five years to move toward desired conditions and objectives.

Objectors' Proposed Remedies

- Describe site-specific visitor use management issues such as carrying capacity and bicycle use.
- The list of possible projects should include preparation of a site-specific plan for the management of the CDNST to address requirements in FSM 2353.44b (2).

Response

See response to Issue Summary – NEPA Violations and CDNST.

Cumulative effects result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions (40 CFR 1508.7). The analysis of cumulative effects provides a larger context in which to evaluate the effects of the land management plan. Cumulative effects can be described in terms of potential to generally affect trends for the overall resource. The cumulative effects of a program at the land management plan scale can be discussed only in terms of general programmatic tendencies toward either improved or declining resource condition (final EIS p. 68).

Any future proposed projects regarding the CDNST will be subject to a separate site-specific analysis under the National Environmental Policy Act (NEPA); in compliance with the revised land management plan, and utilizing other laws, regulations, and policies as required.

Conclusion

Based on the review of the record, I find that the responsible official adequately analyzed and disclosed the cumulative effects as required by NEPA in relation to the CDNST. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Wild and Scenic Rivers

Issue Summary – Wild and Scenic Rivers 1

Objectors assert that the analysis of eligible wild and scenic river segments in the plan and final EIS is incomplete, lacks documentation, is inadequate and does not follow 1909.12 Land Planning Handbook, chapter 80 Wild and Scenic River Evaluation guidance. The objectors assert that the wild and scenic river process did not evaluate eligible segments or did not adequately document why segments were dropped. The objectors provided examples of streams being dropped without evaluation, not evaluating other segments, and failing to acknowledge, evaluate or include segments proposed during the public comment period.

Objectors' Proposed Remedies

- RGNF must revise its Wild and Scenic River eligibility analysis to fully and transparently document scientific resources and field observations leading to determinations regarding potential outstandingly remarkable values associated with the streams evaluated and must submit that revised analysis and those resources and observations to additional public review and comment.
- RGNF must provide detailed documentation of procedures and evaluations leading to the determination that no changed circumstances exist for each stream previously evaluated for Wild and Scenic eligibility as part of the 1996 forest plan revision, and must submit that documentation to public review and comment before making a final determination regarding potential changed circumstances.
- Alpine Creek, Cottonwood Creek, Pole Creek, and Cat Creek, as listed in Table 19 of the objection letter, must be found Wild and Scenic eligible and be appropriately classified to reflect each respective stream's condition and to establish corresponding protective management under the forest plan.
- Provide detailed documentation of potential outstandingly remarkable values that were considered the Wild and Scenic eligibility analysis.
- Provide additional rationale for findings of ineligibility when streams were dropped or not evaluated.

Response

The 2012 Planning Rule requires all national forests undergoing revision to "identify the eligibility of rivers for inclusion in the National Wild and Scenic Rivers System, unless a systematic inventory has been previously completed and documented, and there are no changed circumstances that warrant additional review." (36 C.F.R. §219.7 (c)(2)(vi)).

During the 1996 revision of the forest plan, the Forest engaged in a systematic inventory and eligibility evaluation for all rivers flowing on the Forest that were labeled on U.S. Geological Survey 7.5-minute quadrangle maps. The eligibility evaluations from this process were combined with the results of the congressionally mandated Conejos River Study to develop a list of river segments that were potentially eligible for designation under the Wild and Scenic River Act (appendix B to Rio Grande Forest Plan). Each of these eligible segments (with the exception of Medano Creek and Little Medano Creek, which are now managed by the National Park Service), have been carried forward in the current plan revision.

In 2016, the need for change document for plan revision identified 34 rivers that were not previously studied and that would need to be evaluated (pp. 16-17). When plan revision was initiated, the responsible official concluded that no changed conditions existed and decided to limit the extent of the eligible study process to those river segments that were not previously considered. Four (4) of the 34 river segments were not in the U.S. Geological Survey national hydrography dataset and were eliminated from consideration.

My review found no documentation in the planning record that specifically addresses the conclusion of the responsible official that no changed conditions existed on the rivers that went through the 1996 eligibility evaluation. Furthermore, three river segments with one outstandingly remarkable value and free-flowing conditions were not designated as eligible (Table 19, pp. 149-151) without additional explanation, though FSH 1909.12 82.73 states that eligibility is dependent on "one or more" outstandingly remarkable values. Therefore, based on Table 19 (revised plan p. 149), Alpine, Cottonwood, Pole, and Cat creeks should all be eligible for inclusion into the Wild and Scenic River System since they were each shown to have one outstandingly remarkable value and are free flowing, yet there is no accompanying narrative that asserts otherwise. In addition, my review found that the record supports that West Lost Trail Creek contains potential outstandingly remarkable values and is free flowing and thus should be included in the eligibility analysis.

Additionally, FSH 1909.12 Section 82.93 addresses what should be included in the wild and scenic river eligibility evaluation documentation. There was no documentation of a finding of eligibility or ineligibility for each of the rivers evaluated. There were no maps included in the final EIS or revised forest plan that showed the location of the eligible wild and scenic river segments, proposed/preliminary classification of eligible river segments, and locations of corridors, boundaries or termini of eligible segments. In addition, the documentation for the 1996 wild and scenic eligibility study process did not provide any narratives on the eligible rivers nor the rationale why rivers were found eligible or ineligible, which was also required under the 1992 1909.12 chapter 80 wild and scenic evaluation.

Conclusion

Upon review of the record, I find that the revised plan is not in compliance with sections of FSH 1909.12 Chapter 80.

Instructions

I am instructing the responsible official to:

- Document the evaluation of the original river segments from the 1996 evaluation by adding narratives that provide the basis for making the determination of rivers found eligible and document the potential classification.

- Document the evaluation and narrative to support determinations specifically for Alpine, Pole, Cat, Cottonwood, and West Lost Trail Creek and include in Appendix B.
- Include one or more maps showing all rivers studied for eligibility.
- Describe in narrative form the determination that no changed circumstances have occurred on streams considered in the Rio Grande National Forest 1996 inventory of potential rivers on segments identified by the public.

Issue Summary – Wild and Scenic Rivers 2

Objectors assert that the Forest failed to document assumptions and rationale that conditions have not changed from the 1996 wild and scenic eligibility study and re-evaluation was not required, and they argued that the development of the 2002 fen policy and the proposal of Colorado Natural Heritage Program's Potential Conservation Areas would warrant evaluation or re-evaluation of eligible stream segments on the Forest.

Objectors' Proposed Remedies

- RGNF must revise its Wild and Scenic eligibility analysis to fully and transparently document scientific resources and field observations leading to determinations regarding potential outstandingly remarkable values and submit that revised analysis and those resources and observations to additional public review and comment.
- RGNF must provide detailed documentation of procedures and evaluations leading to the determination that no changed circumstances exist for each stream previously evaluated for Wild and Scenic eligibility as part of the 1996 forest plan revision, and must submit that documentation to public review and comment before making a final determination regarding potential changed circumstances.
- Alpine Creek, Cottonwood Creek, Pole Creek, and Cat Creek, as listed in Table 19 of objection letter, must be found Wild and Scenic eligible and be appropriately classified to reflect each respective stream's condition and to establish corresponding protective management under the Forest plan.
- Provide detailed documentation of potential outstandingly remarkable values that were considered the Wild and Scenic eligibility analysis.
- Provide an additional rationale for findings of ineligibility when streams were dropped or not evaluated.

Response

Objectors assert that regional policy developed subsequent to the 1996 Forest Plan (2002 fen policy) and new scientific information gathered by the Colorado Natural Heritage Program qualify as "changed circumstances" for re-evaluating stream segments deemed ineligible for wild and scenic eligibility in 1996.

FSH 1909.12 Section 82.4 broadly defines changed circumstances as including "…broad recognition of the river for certain recreational opportunities, and changes that now make the river's values more unique." The Forest acknowledges the 2002 fen policy and the ecological value of fens in the response to comments section (final EIS Vol. 2, p. 223), but does not consider the information as a changed circumstance warranting re-evaluation of previously analyzed segments.

Objectors state that 59 additional stream segments were proposed in public comment to the draft forest plan for consideration and assert that the Forest must consider relevant available information regarding those stream segments that were brought forward by citizen organizations, agency partners, and the public.

There is no documentation in the planning record that specifically addresses the conclusion of the responsible official that no changed conditions existed on the rivers that went through the 1996 eligibility evaluation. Neither the Forest Service Handbook nor the 2012 Planning Rule require documentation of a changed condition determination. The Forest and the objectors have a difference of opinion in what constitutes a "changed circumstance," which itself is only broadly defined in the Handbook (82.4). The final EIS appendix B (p. 152) does contain a list of references cited as scientific rationale for the wild and scenic river eligibility study.

Furthermore, based on my review of the record, the objectors were correct that the following original public comments on this issue were not addressed in the final EIS response to comments section (final EIS Vol. 2, American Rivers objection letter p. 5):

- The final EIS response to comments section does not address comments recommending consideration of streams on which the State of Colorado holds instream flow-protective water rights (final EIS, p. 230);
- The final EIS response to comments section does not address comments recommending the Forest evaluate streams for the wild and scenic river eligibility study associated with Colorado Natural Heritage Program's Assessment of Wetland Condition on the Rio Grande National Forest, or the Rio Grande National Forest should have considered the stream-related values noted in that document as part of best available science (final EIS, p. 230);
- The final EIS response to comments section does not address comments recommending that the Forest evaluate streams for the wild and scenic river eligibility study associated with Colorado Natural Heritage Program's Potential Conservation Areas, or that the Forest should have considered the stream-related values noted in that document as part of best available scientific information.

Conclusion

Based on my review of the record, I find that the responsible official exercised his discretion in determining changed condition as it relates to re-evaluation of Wild and Scenic River eligibility. However, the Forest did not adequately respond to public comments as required by NEPA as it relates to best available scientific information and Wild and Scenic River eligibility.

Instructions

I am instructing the responsible official to provide a response to the DEIS comments referenced above that were not addressed in Response to Comments (final EIS Volume II). Document in the record the rationale of why the presence of fens does or does not constitute an outstandingly remarkable value.

Wildlife

The wildlife objection issues are numerous and complex. The following objections pertaining to wildlife are grouped into three sections. The wildlife section covers five main issues: habitat connectivity, big game winter range, NEPA compliance, management areas, and plan components. The threatened and endangered species (TES) specific section addresses issues

related to Gunnison sage grouse, Canada lynx, wolverine, Uncompahgre fritillary butterfly, and southwestern willow flycatcher. The third section covers plan components and analysis for Species of Conservation Concern (SCC). This section does not address objection points related to the SCC list.

All of these objections tie to a concern for maintaining habitats that support the diversity of native species present on the Forest and recovery of threatened and endangered species.

Several objectors took issue with a lack of "enforceable standards" and viewed other plan components like desired conditions as "aspirational" or "discretionary." Please see my response at *Issue Summary – Plan Component Sufficiency* for this objection issue.

Objections regarding the identification of species of conservation concern for the Rio Grande National Forest were reviewed by Allen Rowley, Reviewing Officer for the Chief of the Forest Service. The objectors withdrew their objection.

Issue Summary – Wildlife – NEPA Compliance

Objectors allege that the Forest failed to provide cooperating agencies an opportunity to review and comment on the final plan, specifically the final version of alternative B Modified. Objectors claim the process is not consistent with memoranda of understanding (MOUs) between cooperators and the Forest.

Objectors' Proposed Remedy

None provided.

Response

Please see NEPA Compliance Response Issue 4 – Public Involvement and final EIS Response to Comment – Public Participation 1.

Conclusion

Please see response to Issue Summary – NEPA Violations.

Issue Summary – Wildlife – Plan Component Sufficiency

Objectors state that the plan and final EIS fail to provide adequate management direction for place-based and large landscape-scale wildlife and wildlife habitat management. Specifically, they are concerned that Forestwide plan components for wildlife were removed from the final plan without adequate explanation and that the removal of the components leads to inadequate protection for wildlife across the plan area.

Objectors specifically claim that adding the following plan components from the draft plan back in would ensure protection of wildlife habitat: Wildlife Desired Conditions 6, 8, 9, 10 and 11; Wildlife Standards 3, 9, and 12; and Wildlife Management Approaches 9, 22, 23, 24, and 27.

They claim there is a disproportionate use and reliance upon unenforceable Management Approaches (as opposed to enforceable Standards and Guidelines) to achieve Desired Conditions in the Final LMP.

Objectors' Proposed Remedies

Suggested remedies for more specific wildlife management direction related to Forest Plan Standards including:

- Incorporate Standards S-WLDF-3 and S-WLDF-12 back into the Final LMP with the corrected dates of December 1-April 15
- Incorporate the desired condition DC-WLDF-9 into a Standard that states road and trail density will be 1 mile/square mile or less in production areas, migration corridors, and winter ranges for big game, and that compensatory mitigation will be required if this standard is exceeded, and incorporate it in the Final LMP
- Suggested remedies for more specific wildlife management direction related to incorporating new mitigations to offset areas not meeting Forest Plan Standards including:
    - Require compensatory mitigation to offset proposed developments on the Forest when the densities exceed 1 mile/square mile to maintain habitat effectiveness (Forestwide). This recommendation is based on a body of research documenting displacement of big game from roads and trails and a decline in habitat effectiveness for big game as road and trail densities increase

Response

See response to Issue Summary-NFMA 1-Management Approaches and NFMA 2-Plan Components.

Conclusion

See Conclusion for Issue Summary-NFMA 1-Management Approaches and NFMA 2-Plan Components.

Issue Summary – Wildlife – Management Areas

Objectors allege that having winter range within a larger management area (MA5) is inappropriate and inconsistent with the planning rule. This is because the plan components pertaining to winter range would only apply to part of the management area.

Objectors' Proposed Remedies

Objectors suggest more specific wildlife management direction, including:

- Incorporate Standards S-WLDF-3 and S-WLDF-12 into the Final LMP with the corrected dates of December 1-April 15
- Modify desired condition DC-WLDF-9 to make it a standard that states road and trail density will be 1 mile/square mile or less in production areas, migration corridors, and winter ranges for big game, and that compensatory mitigation will be required if this standard is exceeded, and incorporate it in the Final LMP

Response

According to 36 CFR 219.19 definitions, a Management Area is: "A land area identified within the planning area that has the same set of applicable plan components. A management area does not have to be spatially continuous." The responsible official combined the draft plan Winter Range MA 5.41 into a larger and more inclusive General Forest and Rangeland MA5.

The Management Area Specific Standard: S-MA5-1 that prohibits off road travel Dec 1 – April 15 only applies to winter range and not to the entire management area. Therefore, the lands within the MA5 do not all have the same set of applicable plan components.

Conclusion

After review of the record, I find that the responsible official appropriately applied his discretion to consolidate management areas to reduce complexity in the plan. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Issue Summary – Wildlife – Habitat Connectivity

Objectors assert that the Forest failed to maintain critical habitat connectivity for:

- Canada lynx and other species because they failed to designate the "Wolf Creek Pass Special Interest Area and Spruce Hole/Osier/Toltec Special Interest Areas in the Plan," stating that "not only is connectivity important for landscape-scale species movement, including large game and carnivores, but it's also vital for others, including plants, pollinators, and prairie dogs."
- Big game winter range because they failed to designate the Spruce Hole and Chama Special Interest Areas. Objectors assert that the final plan should include the Spruce Hole and Chama Basin Watershed Protection Special Interest Areas because these areas provide critical wildlife connectivity.

Objectors state that "In response to our recommendation the Forest stated: 'the wildlife values represented by the Spruce Hole/Osier/Toltec area are adequately protected through sections of the plan dealing with species of conservation concern; federally listed, proposed, and candidate species; and plants and wildlife'" (final EIS p. 135).

Objectors believe that "the Forest Service provides little detail as to why it believes the plan sufficiently protects wildlife species, habitat, and migratory routes. There are no plan components for at-risk species, except for inadequate plan components for the Canada lynx. Those components that do exist for wildlife and habitat connectivity will not sufficiently protect the acres in the proposed SIA and the vital role they play in connecting wildlife habitat."

Objectors believe that the Forest should designate the Spruce Hole and Chama Basin Watershed Protection as SIAs in the final plan to provide for consistency with the Colorado Wildlife Action Plan (2019), which identifies the San Juan Basin as a Colorado Migration Corridor Priority because of high wildlife use in the San Juan and Chama Basins (pp. 19-25). The Colorado Wildlife Action Plan also identifies the Spruce Hole as a corridor(s) for, among other wildlife species, herds numbering nearly 6,000 Rocky Mountain elk and 6,000 mule deer.

Objectors' Proposed Remedy

Designate the Spruce Hole/Osier/Toltec, Chama, and Wolf Creek Special Interest Areas in the plan to protect wildlife habitat connectivity.

Response

The revised plan addresses these objection issues in the revised plan and final EIS Volume II Public Involvement and Response to Comments. A detailed description of how the plan addresses each of these issues is included below.

Special Interest Areas (36 CFR 219.7)

The land management plan does not recommend Spruce Hole/Osier/Toltec as a special interest area for the following reasons.

Wildlife values represented by the Spruce Hole/Osier/Toltec are adequately protected through sections of the plan dealing with species of conservation concern; federally listed, proposed, and candidate species; and plants and wildlife (Comment SIA – 2, p. 135).

The creation of additional special interest areas would increase the complexity of management areas in contradiction with Revision Topic 3, which was included in the need for change (Comment SIA – 2, p. 135).

The Forest considered but eliminated from detailed study the designation of the Wolf Creek Lynx Linkage Area as a Special Interest Area (final EIS p. 47). The revised plan provides a brief explanation stating the following: "Because linkage areas and associated direction are adequately identified in the Southern Rockies Lynx Amendment, no additional plan direction is included."

The Southern Rockies Lynx Amendment (Appendix E, p. 181) provides management direction through an objective, standard, and guidelines that apply to all projects within linkage areas in occupied habitat, subject to valid existing rights (p. 188). It also includes the following objective: Maintain or restore lynx habitat connectivity in and between lynx analysis units (LAUs), and in linkage areas (p. 181).

The revised plan does not recommend designation of the Chama Basin Watershed as a special interest area. It outlines the following reasons the plan does not include this recommended designation:

- The recreational and fish habitat values represented by the proposed Chama Basin Special Interest Area are protected through multiple plan components (Comment SIA – 3, p. 136).
- Nearly 90 percent of the area is currently designated as Colorado Roadless, which the plan incorporates as a management area (Comment SIA – 3, p. 136).
- The values of the area receive additional protection without adding increased complexity in the forest plan (Comment SIA – 3, p. 136).

Canada Lynx/Federally listed threatened and endangered species (36 CFR 219.9 (b))

- To address wildlife values related to the Canada lynx, the plan incorporates the 2008 Southern Rockies Lynx Amendment with modifications as noted below.
- The 2008 Southern Rockies Lynx Amendment Record of Decision amended eight forest plans, including the Rio Grande's forest plan. The direction prescribed in the 2008 Southern Rockies Lynx Amendment (Appendix E) is incorporated, as modified below, into the current direction and would apply Forestwide. Additional direction and modifications of the 2008 direction is needed to sufficiently address the continued recovery of Canada lynx due to the current habitat conditions associated with the spruce beetle outbreak in the spruce-fir ecosystem. This direction amends and modifies management direction related to salvage in the Southern Rockies Lynx Amendment via S-TEPC-1, S-TEPC-2, and S-TEPC-3 (pp. 34-35).
- The plan includes a desired condition (DC-TEPC-1) to maintain or improve habitat conditions that contribute to either stability or recovery, or both, for threatened, endangered, proposed, and candidate species. (Forestwide)

- The plan notes that desired conditions related to habitat for Canada lynx are specified in the Southern Rockies Lynx Amendment, located in Appendix E.
- The plan further includes a standard (S-TEPC-1) noting the following: The Southern Rockies Lynx Amendment direction (Appendix E), as amended and modified by the forest plan record of decision, shall be applied. (Forestwide).

The plan also includes a guideline to minimize adverse effects to threatened, endangered, proposed, or candidate species and their habitats:

- G-TEPC-1: To avoid or minimize adverse effects to listed species and their habitat, management actions should be designed with attention to threatened, endangered, proposed, or candidate species and their habitats. (Forestwide)

Habitat Connectivity (36 CFR 219.8)

Habitat connectivity is prominently featured throughout the forest plan in plan goals, key ecosystem characteristics, and plan components as noted below.

- Forest plan goals address connectivity: Connectivity of habitats is an important component of ecological integrity and is conducive to making ecosystems more sustainable and resilient to natural disturbances and stressors.
- Connectivity is included as a Key Ecosystem Characteristic (p. 29).
- DC-WLDF-3: Habitat connectivity is provided to facilitate species movement within and between daily home ranges, for seasonal movements, for genetic interchange, and for long-distance movements across boundaries. (Forestwide)

Other plan components that include considerations of habitat connectivity (both terrestrial and aquatic) are listed below (list not inclusive of all plan components referencing connectivity):

- G-VEG-1: Snags provide an important habitat component in the maintenance of habitat connectivity. (Forestwide)

The revised plan includes several plan components to address winter range habitat conditions for big game, including:

- DC-WLDF-4: Winter range habitat conditions provide the quantity, quality, and spatial arrangement of forage, cover, and security needed to support population objectives for mule deer, pronghorn, Rocky Mountain bighorn sheep, and Rocky Mountain elk. (Forestwide)
- OBJ-WLDF-2: Maintain or improve an average of 500 acres of big game winter habitat annually over the next 15 years. (Forestwide)
- G-WLDF-1: To reduce stress at a critical point in the lifecycle of big game, restrict activities on winter range from approximately December 1 to March 31, as needed. (Forestwide)

Other related plan components include: DC-WLDF-5, S-MA5-1, SUIT-MA5-1.

Conclusion

Upon review of the record, I find the responsible official has appropriately applied his discretion to not designate the Spruce Hole/Osier/Toltec, Chama, and Wolf Creek SIAs; has met the basic requirements under the 2012 Planning Rule to incorporate plan components to maintain or restore *connectivity* (36 CFR 219.8)**;** and is in compliance with 36 CFR 219.9 by including plan

components to maintain and provide sufficient protection for big game winter range habitat. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Issue Summary – Wildlife – Big Game Winter Range

Objectors assert that the plan does not provide for protection of big game winter range habitat, specifically because winter range is not depicted spatially nor described explicitly to indicate where protections should occur. They also assert that plan components are not sufficient to protect big game winter range habitat where it is found and that some plan components from the draft plan should be reinstated. Finally, they assert that effects to big game were not analyzed sufficiently in the final EIS when the MA5.41 (winter range) was combined into the larger MA5, which allows a variety of actions within the management area, including timber harvest. Several objectors also mention the inconsistency in the restriction dates pertaining to winter range.

Objectors' Proposed Remedies

- Limit multiple use conflicts within game winter range through desired conditions and associated standards
- The objector's preferred desired condition would limit road density to one mile per square mile "in areas used for winter concentration, critical winter range, calving areas, and transition habitat."
- Limit road use in winter to reduce conflicts with game
- Incorporate Standards S-WLDF-3 and S-WLDF-12 back into the Final LMP with the corrected dates of December 1-April 15.
- Revise the plan to preclude activities that may be potentially detrimental to wintering big game animals in MA 5.
- Create a new game winter range management area to ensure the protection of wintering animals.

Suggested remedies from cooperating State agency include:

- Limit route density and a Standard (5.41-S-1) to prohibit travel during the winter to maintain habitat effectiveness for big game.
- Commit to incorporating the most up to date Colorado Parks and Wildlife mapped habitats for big game species, including production areas, migration corridors, and winter ranges, during project-level implementation.

Response

No law, regulation, or policy mandates mapping of winter range for the revised plan. Furthermore, it may not be desirable to establish a winter range map in the plan as the location of winter range can change over the lifetime of the plan. The plan components that contain winter range restrictions (G-WLDF-1, S-MA5-1, SUIT – MA5- 1) will be enforced during site-specific planning.

Furthermore, the plan provides sufficient protections for big game winter range. The plan includes six plan components (revised plan pp. 37-40 and 79-82) and additional desired conditions to protect big game winter range. Restricting human use in winter range, particularly over-the-snow travel, during critical life cycle times is included as a plan component. Additionally, the desired condition of one (1) mile of road/square mile of winter concentration,

critical winter range, calving areas, and transition habitat helps limit disturbance to wintering animals. The desired condition of limiting access in some areas during winter to reduce disturbance to wildlife allows the agency to assess additional protections during travel management planning efforts. See also response to Comment MGA 12 and Comment WLDF 4 (final EIS Vol. II, pp. 69-70 and 198).

As mentioned above, there are several plan components to ensure protection of winter range (revised plan pp. 37-40 and 79-82). Application of these plan components depends on clear identification of the location of winter range within the larger MA5, which includes winter range but allows additional activities within its boundaries (see above recommendation). Any projects or activities planned in MA5 would go through additional NEPA analysis to determine any potential effects to winter range (final EIS pp. 255-261).

Conclusion

Upon review of the record, I find the responsible official has appropriately provided plan components sufficient to protect big game winter range in the plan area.

Instruction

I instruct the responsible official to add a guideline to address big game species habitat:

To maintain habitat function, connectivity, and security for big game species, there should be no net gain in motorized and non-motorized system routes where the system route density currently exceeds one linear mile per square mile or where the net gain would cause system route density to exceed one linear mile per square mile in areas mapped by Colorado Parks and Wildlife as important big game production areas, migration corridors, severe winter range, and winter concentration areas. Exception: This does not apply to administrative routes. (Forest-wide)

Threatened and Endangered Species (TES)

Issue Summary – TES – Plan Component Sufficiency

Objectors claim that the plan violates 36 CFR 219.9(a)(1)) and 36 CFR 219.9(b)(1)), the Endangered Species Act 7(a)(1), and 36 CFR 219.7(e)(1)(i) because plan components provide only for stability and do not contribute to recovery, and plan components do not address key structural, compositional, functional, and connectivity characteristics necessary for the recovery of these species.

Objectors' Proposed Remedy

Develop desired conditions for each species that may be present on the Forest that meet the requirements of 36 CFR 219.7(e)(1)(i) and provide specifications for the key structural, compositional, functional, and connectivity characteristics necessary for the recovery of these species, based on the best available scientific information as required by 36 CFR 219.3.

Response

Threatened and endangered species present in the planning area include Uncompahgre fritillary butterfly, southwestern willow flycatcher, Gunnison sage-grouse, and Canada lynx.

In response to the objection, the record demonstrates compliance with the rule and the handbook direction in regard to contributing to recovery (219.9 (b)(1)).

The responsible official made determinations on page 12 of the Draft ROD that: (A) The LMP provides plan components and management area direction to provide for a diversity of plant and animal communities within the authority of the Forest Service and within the inherent capability of the Rio Grande National Forest; and (B) The LMP provides plan components to protect and maintain ecosystem composition, structure, function, and connectivity, and species-specific direction—where needed—to maintain ecological conditions and viable populations within the plan area based on effects disclosed in the final environmental impact statement. The Draft ROD (pp. 13-14) also discuss how the LMP provides additional, species-specific plan components for federally listed species.

The plan revision interdisciplinary team considered conservation measures and the recovery plan for each of the threatened and endangered species. The interdisciplinary team considered limiting factors and key threats for each species and engaged with the U.S. Fish and Wildlife Service in the evaluation of existing conditions, development of plan components, and assessment of effects. See Assessment 5 and the Biological Assessment for each species.

This collaborative engagement resulted in the U.S. Fish and Wildlife Service issuing a concurrence letter and Biological Opinion on March 15, 2019, thus affirming that plan components align with larger protection and recovery goals for each individual species.

Conclusion

Upon review of the record, I find that the responsible official has provided adequate plan components to contribute to the recovery of threatened and endangered species within the plan area. Further, the interdisciplinary team used the recommended process outlined in the Rule and the handbook and affirmed this finding (as related to threatened and endangered species) through a concurrence and Biological Opinion issued by the U.S. Fish and Wildlife Service. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Issue Summary – TES – Connectivity for At-Risk Species

Objectors assert that "The Plan fails to provide sufficient plan components to maintain or restore habitat connectivity, in violation of 36 CFR 219.9(a)(1), 36 CFR 219.8(a)(1), and 36 CFR 219.8(a)(3)(1)(E). Plan components with connectivity language don't provide meaningful direction on the ground to guide projects and activities and, in the case of aquatic connectivity components, can actually do harm to native SCC." Objectors contend that DC-WLDF-3 does not guide future projects and decision-making, but only repeats agency direction. Objectors state that snag guideline, G-VEG-1, does not provide direction or constrain management to restore or maintain connectivity. Objectors claim we do not comply with 36 CFR 219.7(e).

Objectors' Proposed Remedy

Designate the Spruce Hole/Osier/Toltec, Chama, and Wolf Creek Special Interest Areas in the Plan.

Response

There are a number of references in the final EIS Volume 1 indicating that the plan revision considered connectivity and provided sufficient plan components to maintain or restore habitat connectivity. They include: page 18 – The Forest participated in the Upper Rio Grande Wildlife Connectivity Working Group; pages 28 and 29 – Habitat Connectivity section, pages 214-215 address habitat connectivity definition and the process of how it was considered; page 248

addresses connectivity for other wildlife species; pages 250-252 address direct and indirect effects to habitat connectivity; and pages 257-260 address effects from roads and other resources on wildlife connectivity.

In regard to revised plan components not providing meaningful direction on the ground to guide projects and activities, the revised plan contains 10 plan components designed to maintain, improve, or consider connectivity during project design and implementation. These include Forestwide desired conditions, objectives, standards, and guidelines, and they apply to various resources including fish, wildlife, riparian management zones, vegetation, and Canada lynx. Language in these components was reviewed and found to provide meaningful direction to guide projects as it relates to connectivity (see DC-FISH-1, DC-FISH-2, OBJ-FISH-1, OBJ-FISH-2, S-FISH-1, G-FISH-1, MA-WLDF-27, DC-WLDF-3, S-RMZ-1, G-RMZ-1, G-VEG-1, revised plan).

Objectors state that DC-WLDF-3 does not guide future projects and decision-making, but only repeats agency direction. DC-WLDF-3: Habitat connectivity is provided to facilitate species movement within and between daily home ranges, for seasonal movements, for genetic interchange, and for long distance movements across boundaries. (Forestwide).

Desired condition is defined on page 488 of the final EIS as "a description of specific social, economic, and/or ecological characteristics of the plan area, or a portion of the plan area, toward which management of the land and resources should be directed." (36 CFR 219.7(e)(1)(i)). DC-WLDF-3 meets the definition of a desired condition and therefore is consistent with regulation.

Objectors state that snag guideline G-VEG-1 does not provide direction or constrain management to restore or maintain connectivity.

G-VEG-1 reads as follows: "Snag densities are related to disturbance regimes of various forest systems. Snags suitable for nesting and denning (typically larger sizes) are present across the Forest contributing to the diversity of forest structure and maintenance of habitat components important to the persistence of snag-associated wildlife species. Snags provide an important habitat component in the maintenance of habitat connectivity. Snag-retention should represent a variety of snag heights. At least 50 percent of the retained snags should represent the larger size classes available. Where larger snags are not available, trend toward a greater number of smaller snags. Snags are not required to be maintained on every acre (Forestwide). G-VEG-1 meets the definition of a guideline by providing a constraint (At least 50 percent of snags should…) that allows for departure from its terms, so long as the purpose (snags provide an important component in the maintenance of habitat connectivity) is met. Guidelines are intended to help achieve or maintain a desired condition or conditions, avoid or mitigate undesirable effects, or meet applicable legal requirements.

Objectors claim that the plan revision does not comply with 36 CFR 219.7(e) which states, "Plan components guide future project and activity decision making. The plan must indicate whether specific plan components apply to the entire plan area, to specific management areas or geographic areas, or to other areas as identified in the plan." A review of the 10 plan components specifically related to connectivity (and listed above), indicates that the components do guide project and activity decision-making and indicate where applied (i.e., S-FISH-1 applies Forestwide).

In the draft ROD, on page 12, the responsible official determined that "The LMP provides plan components to protect and maintain ecosystem composition, structure, function, connectivity, and species-specific direction—where needed—to maintain ecological conditions and viable populations within the plan area.

See the responses for the Issue Summaries: Wildlife-Habitat Connectivity and Designated Areas-Special Interest Areas, and NEPA Violations.

Conclusion

After review of the record, I find that the responsible official adequately considered connectivity, and provided plan components that maintain or restore connectivity. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Issue Summary – TES – Lynx – Ecosystem Plan Component Sufficiency

Objectors assert that the final plan fails to provide sufficient ecosystem plan components to maintain or restore the ecological conditions necessary to contribute to the recovery of Canada lynx in violation of 36 CFR 219.9(a)(1).

- Objectors claim that the plan fails to provide sufficient ecosystem plan components to maintain or restore the ecological conditions necessary to contribute to the recovery of Canada lynx, in violation of 36 CFR 219.9(a)(1). They claim the plan lacks desired conditions that describe the necessary ecological conditions for lynx recovery in sufficient detail to provide direction. Objectors claim specifically that S-TEPC-2 will not contribute to recovery and may even lead to a decrease in lynx population levels.
- Objectors find it concerning that there is no 95 percent use area in the northern portion of the Forest that includes an important linkage area at North Pass, as mentioned in the Biological Assessment and Biological Opinion. Consequently, there is no requirement to maintain suitable habitat near a very important lynx linkage which will not aid in the recovery of the species. Additionally, in other stands just below the 45 percent dense horizontal cover threshold (areas not within the 95 percent use area) but considered good lynx habitat, no requirement for conservation applies. Therefore, plan components fail to maintain any portion of the respective LAU in suitable habitat—which is not conducive to lynx recovery.

Objectors' Proposed Remedies

Suggested remedies: Meeting Planning Rule requirements 36 CFR 219.9(a)(1) and 36 CFR 219.9(b)(1) in the revised plan will require several improvements, including the following:

- There must be a desired condition that specifies the ecosystem conditions required to contribute to the recovery of lynx in terms of key structural, compositional, functional, and connectivity characteristics. The Squires et al. (2016; 2017; 2018) study must form the basis for developing this desired condition.
- The desired condition for lynx required ecosystem conditions must include winter habitat, mature forest, as indicated by Squires et al. 2010; Kosterman 2014; Holbrook et al. 2017.
- The prioritization scheme for salvage logging in lynx habitat must be clarified. The meaning of "prioritize" requires an explanation. Information must be provided about the amount of salvage harvesting that is possible or likely to occur among the priority categories. The revised plan must include standards to assure that lower priority stands cannot be treated until all higher priority stands have been. VEG S7 stands should not be included within the priority scheme; these should remain off-limits to entry.
- The 7 percent allowable harvest in VEG S7 stands should be eliminated, or if retained, it must be justified based on the best available science.

- The revised plan must mandate that no entry should occur in VEG S7 stands, as the Draft Plan did. This should be part of the standard or an additional standard.
- Application of Southern Rockies Lynx Amendment standards Veg S1 and VEG S2 must still be required in all suitable lynx habitat.
- OSV use in lynx habitat, especially in high quality habitat, must be reduced.
- G-REC-1 from the draft plan should be added as a plan component in the Plan.
- Revise the final EIS, and provide for additional public comment, on the various deficiencies in the environmental analysis as described above, including to describe how the plan components for lynx meet the requirements of the planning rule to maintain or restore the ecological conditions necessary to contribute to the recovery of Canada lynx.
- Update the connectivity guidance in the Southern Rockies Lynx Amendment using the information from lynx use avoidance information provided in Table 4 of Squires et al. 2018 at 22.
- Update the hazard tree exemptions allowable under VEG S7 to exclude areas of administrative use that are behind closed gates or on roads effectively closed to the public. Exemptions for VEG S7 should only occur along roads and facilities that are maintained as open.
- The RGNF has considerable data on current and past denning areas. Include an updated standard about avoiding these areas during the reproductive period, April 1 through July 15.
- Revise the final EIS to fix its reliance on outdated information, and provide the requisite analysis related to LAUs and impacts to them as a result of implementation of the revised plan.

Response

The revised plan provides plan components specific to recovery of the Canada lynx. The plan components prescribed in the 2008 Southern Rockies Lynx Amendment have been incorporated, with modifications, in compliance with 219.9(a)(1) and 219.9(b)(1) (revised plan, p. 26). By following the above referenced plan components, the revised plan contributes to the recovery of Canada lynx by providing for and protecting quality habitat to support the continued persistence of lynx on the landscape.

Furthermore, the record demonstrates the North Pass linkage is protected by plan components that specifically instruct the maintenance of connectivity in linkage areas.

Conclusion

Upon review of the record, I find that the responsible official has included sufficient plan components in the revised plan to support recovery of Canada lynx. Therefore, I affirm Forest Supervisor Dan Dallas' decision as it relates to plan components. However, in my review I determined additional clarity is needed to better describe the methods utilized to determine the 95 percent use area, see instruction below.

Instruction

I instruct the responsible official to clarify in the record the spatial extent of the modeling of the 95 percent use area.

Issue Summary – TES – Lynx – Species-Specific Plan Components

Objectors assert that the revised plan fails to provide necessary species-specific plan components to protect Canada lynx against the threat of recreation, in violation of 36 CFR 219.9(b)(1).

Objectors claim there are no plan components to constrain the growing threat of OSV in lynx habitat and the objectives and guidelines referenced in the Southern Rockies Lynx Amendment do not meet Planning Rule requirement for standards and guidelines.

Objectors assert the final EIS incorrectly states "all action alternatives include revised plan direction that directs the forest to manage winter recreation activities within lynx analysis units such that lynx habitat connectivity is maintained or improved where needed." Direction related to winter recreation activities in lynx habitat was removed when G-REC-1 was removed from the revised plan.

Objectors' Proposed Remedies

Suggested remedies are the same as those listed above, for TES-Lynx-Ecosystem Plan Component Sufficiency.

Response

Over-snow vehicle (OSV) use is increasing on the Forest (final EIS p. 232). Snow compaction may facilitate access to lynx habitat and competition for resources. Plan standard S-TEPC-1 requires direction in the Southern Rockies Lynx Amendment, as amended and modified, to be followed; HU O1, HU O2, HU O3, HU G3, and HU G10 all provide direction regarding recreation use. The standard S-TEPC-1 is written to comply with the 219.7(e)(1) standard definition. Re-writing the direction within the Southern Rockies Lynx Amendment that is referenced to be formatted for planning rule requirements is not a requirement. Other documents (such as "best management practices") are often referenced that also do not contain specific planning rule language.

The final EIS (pp. 12-13) explains that the travel management process addresses OSV use in 36 CFR 212 Subpart C and allows the decision maker to identify issues related to motor vehicles and resources, including wildlife. The plan revision decision will determine the suitability of OSV areas, but delineated routes will not be determined until the travel management planning process (Biological Assessment, p. 31).

Not all action alternatives include direction in regard to managing winter recreation activities in lynx habitat as stated in the final EIS section on sustainable recreation opportunities (p. 308).

The G-REC-1 guideline was deleted from the final plan as it was determined that similar direction was included in the Southern Rockies Lynx Amendment and incorporated via S-TEPC-1. Appendix E – Southern Rockies Lynx Amendment Direction addresses the concern of winter recreation on lynx habitat with Objectives HU 01, HU 02, HU 04; Guidelines HU G3, and HU G10.

Conclusion

After review of the record, I find that the species-specific plan components comply with the 2012 Planning Rule (36 CFR 219.9(b)(1)). Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Issue Summary – TES – Lynx Analysis Unit Mapping

The objectors assert that the final EIS fails to incorporate the 2018 Lynx analysis unit mapping into its environmental effects' analysis in violation of NEPA.

The objectors claim that the Forest did not use the best available science in their analysis. They claim that the updated habitat map from February 2018 was not utilized to demonstrate baseline conditions in the final EIS. Additionally, they claim that data from 2007 was used to demonstrate miles of estimated designated and groomed winter routes in Lynx Analysis Units (LAUs) when the LAUs had been recently updated and therefore the mileage tables should be updated as well. Changing LAU boundaries requires recalculating compaction to show existing conditions in each LAU.

Objector's Proposed Remedy

Suggested remedies are the same as those listed above, for TES-Lynx-Ecosystem Plan Component Sufficiency.

Response

The Biological Assessment discloses that in February 2018, baseline habitat conditions within the planning area were updated using the most recent corporate GIS (geographic information system) data (p. 17). It further explains that the updated maps revealed new unsuitable habitat conditions where 11 of 29 LAUs now exceed the 30% unsuitable habitat threshold. Table 2 of the Biological Assessment (pp. 17-18) demonstrates the change of suitable habitat availability between 2011 and 2018. Page 229 of the final EIS states, "In 2018, lynx habitat on the forest was remapped due to beetle kill in the spruce-fir ecosystem." The final EIS then says that the remapping effort revealed changes on the Forest to baseline conditions due to the beetle kill. In Response to Comment WLDF – 28, the Forest indicated that new LAUs were delineated in the remapping process (final EIS p. 205). Table 55 (final EIS p. 28), demonstrates the baseline conditions of winter routes in relationship to section 7 responsibilities and Southern Rockies Lynx Amendment direction. Figure 3 – Canada lynx 95 percent use area, shows the LAUs (Biological Assessment p. 25) but does not include baseline compaction routes.

The Forest is required to report changes in activities and routes to this baseline map to the U.S. Fish and Wildlife Service (Plan, Appendix E p. 189).

In the Biological Assessment (p. 40), recommended improvements to resource tracking and reporting procedures, point 1 recognizes that there is a need to remap baseline conditions regarding snow compaction in order to become compliant with baseline conditions and section 7 reporting requirements and suggested that that effort be part of the plan revision.

Conclusion

My review of the record finds that the Forest remapped and updated LAU boundaries, in February 2018 to support Lynx habitat analysis as part of forest plan revision. However, baseline compaction conditions were not recalculated as part of this data gathering effort. The baseline remapping of compaction and the overlap with associated LAUs will be completed as soon as practical. In the interim, all projects that implement the new forest plan should undergo a compaction analysis where proposed actions interface with the newly remapped LAUs to meet the requirements of the Southern Rockies Lynx Amendment (SRLA). Based on the above, I find that the responsible official used adequate data to consider and disclose the effects to Canada lynx as required by NEPA. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Issue Summary – TES – Lynx – NEPA Compliance

Objectors claim that the Forest must disclose how much harvesting would occur in lynx habitat in relation to the vegetation objectives and disclose impacts from that activity. The objectors want the Southern Rockies Lynx Amendment Guideline VEG G11 to be converted to a plan standard and more discussion regarding lynx winter and denning habitat. To not disclose effects of harvesting and impacts to lynx winter and denning habitat would be a failure to take a hard look at potential impacts and would violate NEPA.

They claim the salvage logging allowance of 7 percent for stands subject to S-TEPC-2 is arbitrary and the prioritization scheme needs clarification. Objectors want clarification on how many acres of each priority category exists, particularly how much of the suitable habitat listed as priority three (25-44 percent horizontal dense cover) would be treated.

Objector's Proposed Remedy

Suggested remedies are the same as those listed above, for TES-Lynx-Ecosystem Plan Component Sufficiency.

Response

In the Biological Assessment prepared for the plan, Table 5 (p. 28) estimates the existing conditions and allowances under S-TEPC-2 (VEG S7) for each LAU. This calculates the amount of habitat that could be affected by implementation of the plan in areas that fall under the 95 percent use area.

Treatment areas outside of the 95 percent use area would still be subject to Southern Rockies Lynx Amendment standards VEG S5 and VEG S6, but acreages are unknown as these stands have not yet been identified (Biological Assessment, p. 37). The effects to lynx are disclosed in the final EIS (pp. 233-240), the Biological Assessment (pp. 22-40), and the Biological Opinion (pp. 13-17).

The Biological Opinion explains why it is difficult to quantify acres of habitat that may be impacted, "Although the Biological Assessment provided estimates of the amount of habitat treatments under the new plan, we cannot adequately assess the full effects to lynx at this broad programmatic scale since we do not know the project specific locations or other information to allow for a more detailed analysis. We believe the new standard will further limit effects within the 95 percent use area compared to the Southern Rockies Lynx Amendment standards alone" (p. 16). As indicated in the forest plan S-TEPC-2 as well as in the Southern Rockies Lynx Amendment, all activity is tracked on a yearly basis by the U.S. Fish and Wildlife Service, including any projects already approved prior to the new plan going into effect. The Biological Opinion (p. 17) discusses that further analysis on projects will take place when more specific actions are proposed, "all subsequent actions that affect lynx will be subject to future section 7 analysis and consultation requirements."

The Biological Assessment discusses effects to lynx denning habitat on pp. 26, 29, and 30. The research study (Squires, 2018) and the discussions around that focus on winter lynx use (winter habitat use) and effects are discussed at length in the Biological Assessment (pp. 19, 20, and 26-38), the Biological Opinion (pp. 13-17), and the final EIS (pp. 24, 25, and 234-236).

Discussions regarding the limit of allowances within VEG S7 stands are documented in the Biological Opinion (pp. 9-10) and in other documents in the project record. Documents disclose a variety of scenarios and data that would provide for conservation of lynx while allowing

salvaging to some degree. Options varied from 0-15 percent entry into the 95 percent use area map.

The prioritization scheme is discussed and explained in the plan (p. 27), Biological Assessment (pp. 23, 24, and 79), and final EIS (pp. 25-26). Page 37 of the Biological Assessment explains that stands with described conditions appropriate for various treatment have not yet been identified.

Also see Response to Issue Summary - NEPA Violations.

Conclusion

I find Forest Supervisor Dallas disclosed the appropriate level of detail required for a programmatic NEPA review including a sufficient analysis of effects. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Issue Summary – TES – Gunnison Sage Grouse – Plan Component Sufficiency

Objectors state that the Plan fails to provide the ecological conditions necessary to contribute to the recovery of the Gunnison sage-grouse, in violation of 36 CFR 219.9(a)(1) and 36 CFR 219.9(b)(1). The objectors state that although the Plan includes DC-SCC-1: Structure, composition, and function of sagebrush ecosystems meet the needs of associated species, including species of conservation concern, it provides no specifications regarding what the key structural, compositional, functional and also connectivity characteristics are that would maintain or restore the ecological conditions to meet sagebrush associated species' habitat requirements. The objectors maintain that the revised plan dropped conservation strategy plan components included in the draft plan that maintained minimum habitat requirements for Gunnison sage-grouse recovery and thus, those components should be restored. They assert that the plan components that were dropped between draft and final (DC-TEPC-1, and G-TEPC-3) are necessary for meeting Gunnison sage-grouse habitat requirements and to meet the requirements of 36 CFR 219.9(a)(2)(i).

Objector's Proposed Remedies

- The Plan must be significantly revised to meet the 36 CFR 219.9; additional Planning Rule requirements; and other federal laws, regulations, and policies.
- The Plan must incorporate the recommendations the objector provided into the plan as species-specific plan components, which reflect the best available science on the minimum ecosystem condition requirements for Gunnison sage-grouse:
- Grass and shrub cover at nest sites should remain above 7.5 inches.
- Provide high-quality winter habitat as defined by Moynahan et al. 2007 and Caudill et al. 2013.
- Riparian area and wetland conditions that are in line with recommendations by Connelly et al. 2000.
- Remove or reduce livestock grazing in sage-grouse habitat to slow the spread of cheatgrass (*Bromus tectorum*), decrease gaps between perennial plants, reduce trampling of biological soil crusts.
- Livestock should be removed from areas where cheatgrass occurs.

- There should be no surface occupancy associated with energy development in sagebrush habitat.
- Exclude renewable energy development in sage-grouse habitat.
- In areas of pinyon/juniper, avoid treating old-growth or persistent woodlands.
- In areas where sagebrush is prevalent or where cheatgrass is a concern, utilize mechanical methods rather than prescribed fire.
- Prohibit prescribed fire in sagebrush steppe with less than 12 inches annual precipitation or areas with moderate or high potential for cheatgrass incursion.
- Prohibit herbicide application within 1 mile of sage-grouse habitats during the season of use; prohibit use of insecticides.
- Restore non-native seedings with native vegetation where it would benefit sage-grouse.
- Exclude new rights-of-way in sagebrush habitat.
- Develop valid existing rights-of-way in essential habitat in accordance with National Technical Team report prescriptions.
- Limit motorized travel to designated routes trails in essential habitat. Implement appropriate seasonal restrictions on motorized travel to avoid disrupting sage-grouse during the season of use.
- Close existing trails and roads to achieve an open road and trail density not greater than 1 km/1km2 (.6 mi/.6 mi2) in sage-grouse habitat.
- Where valid existing rights-of-way are developed, restrict road construction within 1.9 miles of sage-grouse leks.
- Bury existing transmission lines in essential habitat, where possible.
- Install anti-perching devices on transmission poles and towers and dismantle unnecessary infrastructure.

Response

The final EIS (p. 47) clarifies that the Forest considered sage-grouse protection areas as an alternative eliminated from detailed study because the Forest does not have an appreciable amount of habitat for the Gunnison sage-grouse, and because other management direction and recommended wilderness provide additional species protection in habitat.

However, the revised plan contains ecosystem plan components that are pertinent to and provide ecological integrity benefitting Gunnison sage-grouse including: DC-RNG-1, DC-RNG-2, DC-RNG-4, G-RNG-1, G-RNG-3, and DC-SCC-1 as described on page 46 of the Biological Assessment. Additional components pertaining to riparian management zones also provide protection in brood rearing habitat. Species-specific plan components benefitting sage-grouse include DC-TEPC-1 and G-TEPC-1, which require site-specific decision-making to avoid or minimize adverse effects to listed species and their habitat (revised plan, p. 27-28).

The responsible official determined on page 12 of the ROD that "The LMP provides plan components to protect and maintain ecosystem composition, structure, function, and connectivity, and species-specific direction—where needed—to maintain ecological conditions" based on a review of the effects disclosed in the final EIS. The Biological Assessment finding of Not Likely to Adversely Affect, and the subsequent concurrence by the U.S. Fish and Wildlife

Service with this finding (March 15, 2019), affirm that the protections provided through the plan components provide appropriate protections for the species and its habitat.

Conclusion

After review of the record, I find that the responsible official provided adequate plan components to provide for recovery of the Gunnison sage-grouse under the 2012 Planning Rule, and section 7(a)(1) of the Endangered Species Act. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Issue Summary – TES – Uncompahgre Fritillary Butterfly

The objectors state that the plan does not include sufficient plan components to provide ecological conditions or species-specific protections adequate to provide for recovery of the threatened Uncompahgre fritillary butterfly. They also assert that plan direction in the form of desired conditions fails to provide direction that would be helpful to inform management actions. The objectors note that important plan components were removed between draft and final, without adequate analysis, and therefore violate NEPA.

Objector's Proposed Remedies

- Revise the plan to include objectives necessary to provide direction to reintroduce Uncompahgre fritillary butterflies to new locations and the following standards to prevent ground disturbing activities in known colony sites and potential new colony areas:
  - Standard: Close Uncompahgre fritillary colony sites and potential recovery areas to recreation, including hiking and trail building;
  - Standard: Close Uncompahgre fritillary colony sites and potential recovery areas to livestock grazing.
- Conduct an effects analysis that compares the no action alternative plan components to the Plan components that are applicable to protecting and recovering Uncompahgre fritillary butterfly and southwestern willow flycatcher potential and suitable habitat.

Response

The revised plan contains adequate plan components to protect the Uncompahgre fritillary butterfly and contributes to recovery (DC-TEPC-1, G-TEPC-1, DC-WLDF-3, DC-SCC-5, DC-SCC-3. DC-TEPC-1).

The Biological Assessment and supporting documentation go on to analyze and demonstrate that those threats, specifically livestock grazing and recreation use, have minimal adverse effects (Biological Assessment, pp. 49-51) to Uncompahgre fritillary butterfly and its habitat. The Biological Assessment concludes that the revised plan "may affect," and is not likely to adversely affect, the Uncompahgre fritillary butterfly. In their letter of concurrence on March 15, 2019, the U.S. Fish and Wildlife Service concurred with the Not Likely to Adversely Affect determination.

Conclusion

Upon review of the record, I find the responsible official provided adequate plan components to provide for recovery of Uncompahgre Fritillary Butterfly as related to 2012 Planning Rule and

Section 7(a)(1) of the Endangered Species Act. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Issue Summary – TES – Southwestern Willow Flycatcher

The objectors state that the plan does not provide necessary plan components to provide ecological conditions or species-specific protections sufficient for recovery of the endangered southwestern willow flycatcher. They assert that the revised plan does not offer adequate direction to guide appropriate threat mitigation and restoration of riparian habitat, which could provide a net gain in occupied habitat.

Objector's Proposed Remedy

The suggested remedy is to "revise the plan to provide plan components that meet the Planning Rule's 219.9 requirements for the southwestern willow flycatcher."

Response

The project record supports that the revised plan provides for ecological conditions that contribute to recovery and protects the southwestern willow flycatcher and its suitable habitat (recovery plan referenced in the Biological Assessment, p. 57).

The Biological Assessment notes that 14 years of surveys in suitable habitat, with only one detection, suggests that southwestern willow flycatcher does not occur or is highly unlikely to occur on the Forest and that it is unlikely that any nesting individuals will be detected in the future (Biological Assessment p. 44). The Biological Assessment (pp. 42 and 43) lists the specific plan components that "…would be protective or restorative of the vegetation structures preferred by this species" including the plan components for range and riparian management zones DC-RNG-1, DC RNG-2, G-RNG-3, DC-RMZ-1, DC-RMZ-2, G-RMZ-2, as well as S-TEPC-4, and G-TEPC-1 (from the DEIS), which will reduce impacts from off-highway vehicle traffic. The Biological Assessment concludes that the revised plan "may affect," and is not likely to adversely affect, the southwestern willow flycatcher. The U.S. Fish and Wildlife Service concurred with this Not Likely to Adversely Affect determination.

Two components, which are no longer in the revised plan as originally written, direct a contribution to recovery (S-TEPC-1) and address items specific to protecting southwestern willow flycatcher (G-TEPC-1). Rationale for changing these plan components between draft and final is documented in the final EIS on page 209, but it does not specifically address if there is any effect to the southwestern willow flycatcher from changing S-TEPC-1 to a desired condition and rewording it, or from rewording guideline G-TEPC-1.

Conclusion

After review of the record, I find that the responsible official provided adequate plan components to provide for recovery of the southwestern willow flycatcher under the 2012 Planning Rule, and section 7(a)(1) of the Endangered Species Act. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Issue Summary – TES – Wolverine

The objectors state that "The Rio Grande National Forest disregarded its duty to conserve the wolverine as required by 36 CFR 219.9(b)(1) and failed to provide the ecological conditions

necessary to conserve wolverines as required by 36 CFR 219.9(a)(1)." Objectors state that the Forest Service ignored its duty to confer with the U.S. Fish and Wildlife Service regarding wolverine, a species proposed for listing, and historically documented. Objectors believe that the Forest has not provided sufficient rationale for excluding the species in the Biological Assessment.

Objectors' Proposed Remedy

Include plan components that would provide the ecological conditions for conserving the wolverine.

Response

Wolverine are briefly addressed in the species assessment on pages 39 and 58, indicating their dependence on large expanses of alpine communities and subalpine spruce/fir forests. The final EIS Vol. 1, page 247, describes the lack of wolverine since 1919, a single unverified/disputed siting in 1997, and summarizes the 2015 wolverine online fact sheet prepared by Colorado Parks and Wildlife.

Regarding the CFR 219.9 (b) portion of the objection, the regulation includes language indicating that the requirement is to provide the "ecological conditions necessary to conserve proposed species within the plan area." However, since wolverine are not known or expected to occur in the plan area, 219.9 (b) is not applicable.

Regarding Endangered Species Act section 7(a)(4), conferencing for proposed species, the law states that "Each Federal agency shall confer with the Secretary on any agency action which is likely to jeopardize the continued existence of any species proposed to be listed under section 4 or result in the destruction or adverse modification of critical habitat proposed to be designated for such species." The Biological Assessment (p. 10) demonstrates that wolverine is not known to occur in the planning area and has no critical habitat proposed for designation.

Considering that the species is not present and was dismissed by the biologist from further analysis, the demonstrated lack of species effects do not "jeopardize" the species or adversely modify proposed critical habitat, and thus, do not require conferencing.

Conclusion

Upon review of the record, I find that the responsible official adequately considered wolverine as a proposed threatened species and in compliance with the 2012 Planning Rule CFR 219.9(b), and Section 7(a)(4) of the Endangered Species Act. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Species of Conservation Concern

Issue Summary – SCC List

The objector raised one issue with regard to the SCC list, stating that they believe the Townsend's big-eared bat should not be on the SCC list "based on a threat [white nose syndrome] that is currently not even detected within Colorado, especially with measures in place to protect bat roost and maternity sites." The objector did not specify any remedy but implies that the species should not be on the list.

Objector's Proposed Remedy

Objector's remedy is to remove the Townsend's big-eared bat from the SCC list.

Response

The Rio Grande National Forest Land Management Plan (LMP) revision process included designating Species of Conservation Concern (SCC) by the Regional Forester. As part of the objections process, the Chief's Office reviews any objections received on the SCC list.

Townsend's big-eared bat was identified as an SCC because there is substantial concern for its persistence on the Rio Grande National Forest based on its rarity, restriction to large caverns and abandoned mines to which they have high fidelity, and known threats to its habitat from recreation and loss of mine habitat. While there is range-wide concern about the impacts from white-nose syndrome, that fungal disease is not known to be in Colorado and is not a threat known to operate on the Rio Grande National Forest. Townsend's big eared bat has only a slight increase in vulnerability to the negative impacts from climate change. There are no known trend data for the species, and its presence in the plan area does not represent a restricted range.

Conclusion

The objection was discussed at the January 15, 2020, resolution meeting in Lakewood, Colorado, and the objector agreed to withdraw the objection. However, I agreed as a condition of the objection withdrawal to instruct the responsible official to provide clarity on the rationale for including the Townsend's big-eared bat on the SCC list.

Instruction

I instruct the responsible official to provide additional clarity on the rationale for including the Townsend big-eared bat on the SCC list.

Issue Summary – SCC – NEPA Violations

Objectors assert that:

- the draft ROD inadequately discloses how the effects in the final EIS demonstrate compliance with the legal requirements of NFMA for SCC viability.
- the effects analysis for the SCC is flawed and not sufficient to support a determination that the plan is providing the ecological conditions necessary to maintain a viable population of each species of concern.
- that the effects analysis for vegetation analysis, prescribed fire, fire suppression, and roads lack the specifics demanded by the 2012 Planning Rule, specifically that:

  "…the Direct and Indirect Effects section of the EIS (beginning on p. 271) does not evaluate the likely adverse effects of the plan on each of the chosen ecological conditions that have been lumped for the SCCs. Instead, effects are generalized to all SCC. This is confusing given that the EIS declared that the analysis would evaluate the "effectiveness" (effects) of the alternatives on the ecological conditions necessary for viability. Where is this analysis?"

Objector's Proposed Remedy

None provided.

Response

Elements of this objection overlap substantially with responses included in related Issue Summaries including NEPA Violations, NFMA, SCC NFMA sections, SCC Managing for Species Diversity and Viability, SCC Fish, SCC Snag Dependent Species, and SCC Late-seral Dependent Species. The Issue Summary response for NEPA Violations is most relevant to defining the sufficiency or appropriate level of analysis for the Forest planning scale.

The final EIS described effects to SCC "Effects on Species of Conservation Concern from [various management activities]" (final EIS p. 271-6). The scope and scale of analysis at the plan level is intended to be programmatic. The final EIS provides general analysis of direct, indirect, and cumulative effects of plan alternatives on the ecosystems used by SCC and on SCC as a group (52 species as a unit). The "effectiveness" (effects) of the alternatives on the ecological conditions necessary for viability is discussed more in the SCC-NFMA-Managing for Species Diversity and Viability section.

Conclusion

Upon my review, I find Forest Supervisor Dallas disclosed the appropriate level of detail required for a programmatic NEPA review of SCC and provided sufficient analysis of effects to the environment in compliance with 40 CFR 1506.6. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Issue Summary – SCC – NFMA – Plan Component Sufficiency

Objectors state that the Plan:

- Failed to provide "desired conditions that described the specific ecological conditions necessary to maintain the viability of species of conservation concern" for both wildlife and plant species that occur on the Forest" in violation of 36 CFR 219.9(a)(1)) and 36 CFR 219.9(b)(1)."

Objectors' Proposed Remedies

Develop desired conditions for each species that may be present on the Forest that meet the requirements of 36 CFR 219.7(e)(1)(i) and provide specifications for the key structural, compositional, functional, and connectivity characteristics necessary for the recovery of these species, based on the best available scientific information as required by 36 CFR 219.3.

Objectors also state that the Forest must clarify if is "indeed making a determination under 36 CFR 219.9(b)(2) that it is not able to meet the requirements under 36 CFR 219.9(b)(1)."

Response

Issue Summaries for NFMA Plan Components, Range Health, SCC Managing for Sustainability, Diversity and Viability of Species, SCC Fish, SCC Snag Dependent Species, and SCC Late-seral Dependent Species share overlapping context and response in relation to the use of management approaches and plan components for SCC and for meeting the planning requirements found at 36 CFR 219.9(b) and 36 CFR 219.9(c) and elaborated upon at FSH 1909.12, 23.13.

In my review of the record, Assessment 5, the individual species assessments, revised plan, and final EIS adequately describe threats to SCC species, the ecological conditions needed by the species, and plan components addressing threats, limiting factors, and ecological needs. Revised plan pages 23-24 list nine desired conditions specifically for SCC. An additional six desired

conditions for wildlife are listed on plan pages 39-40. final EIS Table 60 (p. 265) summarizes science assessments that disclose threats, limiting factors, and ecological needs of SCC.

The objectors suggest that ecological desired conditions must be framed to include details about the natural range of variation. I find the SCC desired conditions and other ecological desired conditions are adequately framed to include details about the natural range of variation; however, neither the Rule nor FSH 1909.12, 22.11 require this.

I find that the record, particularly the revised plan and final EIS, provide adequate information describing the threats, and ecological conditions needed for viability of SCC; however, there is a need to clarify how the plan components provide ecological conditions to support a viable population of each SCC in the plan area as required by 36 CFR 219.8(a)(1), 36 CFR 219.9(a)(1), and 36 CFR 219.9(b)(1).

Conclusion

Upon review of the record, I find that the responsible official included numerous plan components to provide for ecological conditions to support a viable population of SCC in the plan area. However, the description in the record of the adequacy of plan components to provide for ecological conditions necessary for viable populations in the plan area is unclear.

Instruction

I instruct the responsible official to demonstrate how the desired conditions in the revised plan, and the integration of plan components, effectively provide for the requirements to meet 36 CFR 219.9 as related to SCC.

Issue Summary – SCC – NFMA – Managing for Sustainability, Species Diversity, and Viability

Objectors provided a comprehensive list of issues related to the species diversity and viability requirements of the 2012 Planning Rule. The objectors assert that the final EIS must properly characterize what the plan components direct the Forest to do, including "plan components of the multiple uses that may adversely affect the species and/or the ecological conditions they depend on, such as vegetation management, livestock grazing, recreation, roads and other infrastructure, and mining."

Objectors assert that the framework of plan components described in the revised plan is flawed and the plan components are deficient or non-existent. In particular:

- Plan components do not provide for the ecological conditions or species-specific conditions required for viability of numerous species (see list below) in violation of 36 CFR 219.9(a)(1) and 36 CFR 219.9(b)(1).
- The Forest needs to "Develop desired conditions for each SCC and the desired conditions must be written to meet requirements of 36 CFR 219.7(e)(1)(i).
- The final EIS does not demonstrate how the plan components meet the ecological and species-specific diversity and viability requirements set in 36 CFR 219.14(a)(2).

Objectors claim that the draft ROD and revised plan lacks:

> *"An explanation of how the plan components meet the sustainability requirements of § 219.8, the diversity requirements of § 219.9, the multiple use requirements of § 219.10,*

and the timber requirements of § 219.11; the ecological and species-specific diversity and viability requirements set in 36 CFR 219.14(a)(2).”

Objectors assert that in order to meet the Planning Rule's requirements it is necessary for the Forest Service to provide a logic trail for each species, from its 1) necessary ecological conditions, to 2) specific plan components, to 3) conditions that would result from the plan components, to the 4) legal sufficiency of those conditions.

More specifically, the objectors provide specific examples regarding their contention that ecosystem focused plan components were inadequately or incorrectly evaluated (responding to 36 CFR 219.8) for willow thickets/cottonwood galleries, aspen, alpine ecosystems, fens, snow willow, and volcanic substrate soils.

Objectors offer a detailed list of ecological requirements for most of the terrestrial SCC animals and assert that the Plan “must also have species-specific components if necessary, to ensure habitat needs are achieved and maintained.” Objectors elaborate on problems with current plan components and viability for each of 16 SCC and hoary bat including:

- boreal owl
- American marten
- olive-sided flycatcher
- flammulated owl
- northern goshawk
- fringed myotis
- western bumblebee
- Gunnison's prairie dog
- white-veined arctic butterfly
- southern white-tailed ptarmigan
- boreal toad
- river otter
- Townsend's big-eared bat
- Brewer's sparrow
- northern pocket gopher
- plains pocket mouse

Objectors’ Proposed Remedies

The objectors’ proposed remedies are related to effectiveness of plan components to produce species-specific viability outcomes:

- The analysis must include a determination of the likelihood of desired conditions being achieved and must analyze the most likely outcomes even if those are not the desired outcomes
- The EIS must consider whether there are other plan components, especially standards and guidelines, which contribute to achieving the desired conditions.

Suggested remedy for northern flickers: Use and document the best available scientific information on the habitat requirements of northern flickers to inform plan standards that maintain conditions needed for northern flickers. Designate flickers as a focal species for monitoring, i.e., monitoring for snags.

Suggested remedy for boreal owl: As stated elsewhere, there must be a desired condition that specifies the ecological conditions and other required protections against threats that supports boreal owl viability. The plan must also have species-specific components if necessary, to ensure habitat needs are achieved and maintained. The Final Plan requires a major revision to provide the conditions and protections necessary for boreal owls. Consult the RGNF's Boreal Owl Overview for ecological condition needs, especially in relation to snags. Include the deleted raptor disturbance direction from the Draft Plan (Appendix G) as a plan standard.

Suggested remedy for American marten: As stated elsewhere, there must be a desired condition that specifies the ecological conditions and other required protections against threats that supports American marten viability. The plan must also have species-specific components if necessary, to ensure habitat needs are achieved and maintained. The Final Plan requires a major revision to provide the conditions and protections necessary for American martens. Consult the RGNF's American marten Overview for ecological condition needs, especially in relation to snags.

Suggested remedy for olive-sided flycatcher: As stated elsewhere, there must be a desired condition that specifies the ecological conditions and other required protections against threats that supports olive-sided flycatcher viability. The plan must also have species-specific components if necessary, to ensure habitat needs are achieved and maintained. The Final Plan requires a major revision to provide the conditions and protections necessary for the species.

Suggested remedy for flammulated owl: As stated elsewhere, there must be a desired condition that specifies the ecological conditions and other required protections, such as species-specific components, against threats that supports flammulated owl viability. The Final Plan requires a major revision to provide the conditions and protections necessary for flammulated owls. Consult the RGNF's Flammulated Owl Overview for ecological condition needs, especially in relation to snags. Include the deleted raptor disturbance direction from the Draft Plan (Appendix G) as a plan standard.

Suggested remedy for northern goshawk: As stated elsewhere, there must be a desired condition that specifies the ecological conditions and other required protections against threats that supports northern goshawk viability. The plan must also have species-specific components as necessary to ensure habitat needs are achieved and maintained. The Final Plan requires a major revision to provide the conditions and protections necessary for northern goshawks. Consult the RGNF's Northern Goshawk Overview for ecological condition needs, especially in relation to snags. Include the deleted raptor disturbance direction from the Draft Plan (Appendix G) as a plan standard.

Suggested remedy for fringed myotis: As stated elsewhere, there must be a desired condition that specifies the ecological conditions and other required protections against threats that supports fringed myotis viability. The plan must also have species-specific components if necessary, to ensure habitat needs are achieved and maintained. The Final Plan requires a major revision to provide the conditions and protections necessary for fringed myotis. Consult the RGNF's Fringed Myotis Overview for ecological condition needs.

Suggested remedy for western bumblebee: There must be a desired condition that specifies the ecological conditions and other required protections against threats that supports western bumblebee viability. The revised plan must include a prohibition on the use of neonicotinoids and strong protections to limit habitat degradation from livestock grazing. Additional plan standards and guidelines are necessary, particularly to protect known and potential pollinator sites from livestock grazing. This was recommended in the RGNF Western Bumblebee Overview (at 2). The RGNF Western Bumblebee Overview includes management mechanisms for how to provide the conditions required for the species. The Final Plan requires a major revision to provide the ecological conditions and species-specific protections necessary for western bumblebees, as well as numerous other species, as discussed elsewhere in this objection.

Suggested remedy for Gunnison’s prairie dog: There must be a desired condition that specifies the ecological conditions and other required protections against threats that will support Gunnison's prairie dog viability. The plan must also have species-specific components to ensure

habitat and population needs are achieved and maintained. The revised plan should include a plan component aimed at cooperation with Colorado Parks and Wildlife to help mitigate sylvatic plague, the most severe threat to the species. The Plan must place restrictions on oil and gas development, road construction, OHV use, noxious weeds, and livestock grazing during periods of drought in prairie dog colonies and expansion areas. Though Colorado Parks and Wildlife maintains a spring prairie dog shooting restriction across the state, with which the RGNF abides, the Forest should create a standard that prohibits shooting year-round, given the small Gunnison's prairie dog population on the Forest and the potential for shooting to have population-level effects. Consult the RGNF's Gunnison's Prairie Dog Overview (at 3-4) for the ecological and other conditions necessary to maintain viability. The Final Plan requires a major revision to provide the conditions and protections necessary for Gunnison's prairie dog.

Suggested remedy for white-veined arctic butterfly: There must be a desired condition that specifies the ecological conditions and other required protections against threats that supports white-veined arctic butterfly viability. In particular, the revised plan requires standards and guidelines that limit livestock grazing and recreation in the species' habitat.

Suggested remedy southern white-tailed ptarmigan: There must be a desired condition that specifies the ecological conditions and other required protections against threats that supports southern white-tailed ptarmigan viability. In particular, the revised plan requires standards and guidelines that limit livestock grazing and recreation in the species' habitat.

Suggested remedy for boreal toad includes a desired condition that specifies the ecological conditions and other required protections against threats that will support boreal toad viability. The revised plan must include components to mitigate the threats identified in the Boreal Toad Overview. The Final Plan requires a major revision to provide the conditions and protections necessary for the species.

Response

The objectors brought up some salient points, and proposed remedies demonstrate a clear passion for the resource. The objectors' preference for species-specific habitat management is noted and there is a clear line of protest over the Forest's use of an ecosystem-focused habitat management approach to plan component design.

The objectors' central claim is that there should be species-specific plan components for each SCC, and because there are not, the plan framework is flawed. The record supports the existence of multiple plan components, including standards or guidelines, to maintain or restore:

- Ecological integrity of terrestrial and aquatic ecosystems and watersheds in the plan area, including plan components to maintain or restore their structure, function, composition, and connectivity.
- Key characteristics associated with terrestrial and aquatic ecosystem types; rare aquatic and terrestrial plant and animal communities; and diversity of native tree species similar to that existing in the plan area.

Issue Summaries for NFMA Plan Components, Range Health, Wildlife TES 1, Forest Ecology, and SCC Late-seral Dependent Species all describe elements of the revised plan, final EIS, and supporting record that demonstrate that the plan adequately addresses species diversity at the Forest-level planning scale.

The objectors' concerns are related to 36 CFR 219.9(b), 36 CFR 219.9(c), FSH 1909.12, 23.13, and further intersect with 36 CFR 219.8 based on the role of ecological integrity supporting at-

risk species (36 CFR 219.9(a)). Greater detail regarding law and policy is provided in the analysis for SCC Issue Fish, SCC Issue Snag Dependent Species.

The draft ROD provides a general overview of SCC. It documents the process to identify the 52 SCC, references forest plan appendix D to differentiate between ecosystem-focused and species-specific plan components, and points readers to the "Wildlife and Plant Species" section of the final EIS for disclosure of effects to SCC.

On pages 7, 9, 12, 13, and 14, the draft ROD highlights plan components associated with ecological integrity and species diversity and states that the deciding official has "reviewed and determined that the LMP provides plan components and management area direction to provide for a diversity of plant and animal communities" (p. 12), and "provides plan components to protect and maintain ecosystem composition, structure, function, and connectivity, and species-specific direction—where needed—to maintain ecological conditions and viable populations within the plan area." (p. 12).

The draft ROD further indicates that effects to at-risk species are disclosed in the final EIS, which describes "the ecological conditions, key ecosystem characteristics, and land management plan components that will maintain at-risk species" (p. 12).

The draft ROD suggests that the evaluation of the adequacy of plan components to provide ecological conditions to support viable populations is disclosed in the final EIS. However, my review of the final EIS finds this unclear.

I find that the final EIS provides general analysis of direct, indirect, and cumulative effects of plan alternatives on the ecosystems used by SCC and on SCC as a group (52 species as a unit). However, this general effects analysis, in conjunction with the SCC-specific analysis disclosed in final EIS Tables 61, 145 (pp. 266-267; 558-559) does not provide a clear description of how the specific plan components together address threats and ecological conditions to maintain a viable population of these SCC in the plan area.

Assessment 5 and individual species assessments disclose threats and important ecological conditions for each of the 16 terrestrial animal SCC addressed in this objection and the hoary bat. Plan Table 21 summarizes the factors leading to substantial concern for persistence for the 16 SCC and the final EIS (p. 266, Table 61) lists the ecological condition necessary for the SCC. Table 23 "Crosswalk of species of conservation concern plan components" in the plan (p. 177) lists the plan components specifically associated with 14 of the 16 SCC addressed by the objectors in this objection issue. Two SCC, northern pocket gopher and plains pocket mouse, have no specific plan components identified as providing ecological conditions to maintain a viable population.

Conclusion

Upon review of the record, I find that the responsible official included plan components to provide for habitat diversity and ecological conditions to support a viable population of each SCC in the plan area. However, the description in the record of the adequacy of plan components to provide for ecological conditions necessary to support a viable population in the plan area is unclear. Further and specifically, the revised plan did not disclose in enough detail how plan components ensure ecological conditions necessary to support viable populations of the northern pocket gopher and plains pocket mouse.

Instruction

I instruct the responsible official to provide plan components that provide ecological conditions necessary to maintain a viable population of the northern pocket gopher and the plains pocket mouse in the plan area.

See Instruction for SCC - NFMA-Plan Component Sufficiency.

Issue Summary – SCC – Fish

Objectors assert that:

- the revised plan fails to include plan components to provide ecological conditions and species-specific conditions to support a viable population for fish Species of Conservation Concern (SCC) as required by 36 CFR 219.5(a)(2)(i) and 36 CFR 219.9(b)(1), and
- the draft ROD violates 36 CFR 219.14(a)(2), because it does not explain how the plan components meet the diversity requirements of 36 CFR 219.9.

Objector's Proposed Remedies

Revise the Plan to meet requirements of 36 CFR 219.9 including a desired condition that specifies the ecological conditions and other required protections against specific threats that supports Rio Grande chub, Rio Grande cutthroat trout, and Rio Grande sucker viability.

Consult the RGNF's Rio Grande chub species overview for ecological condition needed for recovery (at 3-4).

Include sufficient plan components to mitigate the manageable threats identified in the Rio Grande Cutthroat Trout.

Consult the RGNF's Rio Grande sucker species overview for ecological condition needed for recovery (at 3-4).

Response

The revised plan includes multiple plan components, including desired conditions, objectives, standards, and guidelines, that individually provide for ecological conditions that support a viable population of each fish SCC in the plan area.

The record documents specific threats to fish SCC, ecological conditions needed by the fish, and plan components (see Assessment 5, fish SCC-specific assessments, the revised plan, final EIS, and draft ROD).

The Forest's response to comments outlined in final EIS, Vol. 2, Appendix D addressed many elements of the objectors concerns that provide insight into the relationship between the assessments and plan components (see Comments FISH-1 (p. 43), FISH-6 (p. 46), and FISH-8 (p. 46); MIN-3 (p. 48), MIN-8 (p. 50); NEPA-6 (p. 78); PC-27 (p. 90); Riparian-4 (p. 118), Riparian-9 (p. 120), Riparian-19 (p. 123), Riparian 21 (p. 123); VEG-36 (p. 135); WA-25 (p. 183), WA-26 (p. 185), WA-31 (p. 185), WLDF-14 (p. 199); SCC-24 (p. 227), SCC-27 (p. 228); and CC-4 (p. 18).

Further, current status, threats to viability, and important ecological conditions supporting populations of the three fish SCC on were identified in Assessment 5 (p. 36, table 3) and in the individual species reviews (links to these reviews can be found in the revised plan Table 21, pp. 159-160). Assessment 5 lists presence of non-native fish (which represent a threat for all

three SCC) along with in-stream and riparian habitat conditions as important ecological conditions. Furthermore, the assessment of fish SCC is expanded in the final EIS. Table 61 (p. 266) lists "Ecological conditions and features that are NOT described in Assessments 1 and 3, and that are needed or used by at-risk species."

The plan includes multiple plan components providing ecological conditions for the three fish SCC. Plan components supporting the fish SCC include:

- SCC fish-specific desired conditions (plan p. 23; DC-SCC-3), standards, and guidelines (see revised plan p. 177, Table 23).
- Fisheries-focused desired conditions, objectives, standards, and guidelines (plan pp. 41-42)
- Groundwater-dependent ecosystems desired conditions, standards, and guidelines (plan p. 44)
- Riparian management zone desired conditions, objectives, standards, and guidelines (plan p. 44)
- Watershed desired conditions, objectives, standards, and guidelines (plan pp. 46-47).

The draft ROD, on pages 7, 9, 12, 13, and 14 highlights plan components associated with ecological integrity and species diversity. In particular the draft ROD states that the deciding official has "reviewed and determined that the LMP provides plan components and management area direction to provide for a diversity of plant and animal communities" (draft ROD, p. 12), and "provides plan components to protect and maintain ecosystem composition, structure, function, and connectivity, and species-specific direction—where needed—to maintain ecological conditions and viable populations within the plan area" (draft ROD, p. 12).

The draft ROD further indicates that effects to at-risk species are disclosed in the final environmental impact statement and that the final EIS describes "the ecological conditions, key ecosystem characteristics, and land management plan components that will maintain at-risk species" (p. 12). The draft ROD suggests that the evaluation of the adequacy of plan components to provide ecological conditions to support viable populations is disclosed in the final EIS.

The final EIS reviews the watershed history of the Rio Grande disclosing the primary threats to riparian and aquatic systems and associated species. It describes environmental processes important to ecological integrity including beaver activity (e.g. pp. 184-186). The final EIS describes the distribution and conservation status of the three fish SCC (pp. 186-188) and ecological conditions important to SCC (final EIS pp. 265-267; Tables 60 and 61).

The final EIS discloses that "Nearly all land management direction implemented and described in this analysis has the potential to indirectly, adversely affect aquatic and riparian resources to some degree. Activities that alter the quantity, timing, or quality of water resources have the greatest potential for adverse effects, and the risk of adverse effects generally decreases as the distance away from streams or wetlands increases" (final EIS p. 188).

The final EIS analysis also indicates that "Watershed conservation practices, best management practices, forest plan standards and guidelines, and management approaches prescribe extensive measures to protect soil, riparian, and therefore aquatic ecosystems. When applicable measures are implemented and effective, adverse effects to these resources from management activities will be minimized or eliminated." The final EIS describes negative effects on aquatic ecosystems from vegetation management, fire management, livestock grazing, roads and trails, recreation,

and other human activities on the plan area (final EIS p. 188-192) along with negative cumulative impacts including the long-term impact of introduced non-native fish (pp. 192-193).

Plan-level environmental effects to fish SCC from related water resources are also discussed (e.g., beginning on p. 426). The final EIS (pp. 336-341) describes Special Interest Areas that will provide habitat for fish SCC. Finally, Table 145 (pp. 558-559) in the final EIS concisely summarizes fish SCC distribution, threats, and in some cases, important ecological conditions associated with maintaining a viable population in the plan area. Despite the evaluation of effects and plan components, the final EIS does not clearly demonstrate the adequacy of the plan components to provide ecological conditions to support a viable population in the plan area.

Conclusion

Upon review of the record, I find the responsible official included numerous plan components to provide for ecological conditions to support a viable population of each fish SCC in the plan area. However, the description in the record of the adequacy of plan components to provide for ecological conditions necessary for viable populations of fish SCC in the plan area is unclear.

Instruction

See instruction for SCC- NFMA-Plan Component Sufficiency.

Issue Summary – SCC – Snag Dependent Species

Objectors make four primary assertions regarding snags and snag-dependent at-risk species:

1. that snag "targets in the plan are insufficient" to "provide ecological conditions necessary for maintaining the viability of several snag-dependent at-risk species, in violation of 36 CFR 219.8(a)(1), 36 CFR 219.9(a)(1), and 36 CFR 219.9(b)(1);
2. the plan components are not appropriate to maintain the minimum snag density and size requirements of snag-associated Species of Conservation Concern (SCC); the guidelines are written as desired conditions and should be a standard;
3. the snag targets in plan components are not based on the best available scientific information; and
4. a supplemental or revised EIS should explain how scientific understanding of snag-dependent SCC ecological conditions are reflected in plan components and support viable populations of SCC.

More specifically the objectors name the SCC associated with snags and indicate that:

- The snag recommendations in Table 8 of the Plan (p. 36) are not sufficient to provide for the ecosystem conditions of, for example, the American marten, boreal owl, and flammulated owl and will not meet this desired condition. Snags are habitat requirements for these species. It is not clear what best available scientific information the Forest used as a basis for setting snag minimum targets. To the extent this can be determined, it seems apparent that the snag criteria used in the Plan was not derived from wildlife studies. Species studies demonstrate that the RGNF's minimum size and density thresholds may not be enough" [Defenders p. 16].
- The primary element of the plan related to snag management, Table 8 (Plan p. 36) is not clearly designated as a plan component. Furthermore, the guideline reads as a desired condition; it provides no constraints on projects or activities.

- Assessments for snag-dependent SCC emphasize the importance of cavities created by norther flicker, the largest woodpecker and primary cavity excavator, but the Plan fails to provide ecological conditions for the northern flicker.

Objector's Proposed Remedy

- To avoid confusion, the plan component requiring snags should clearly state that the minimums apply at the project level.
- Base snag targets on the best available scientific information derived from studies of SCC that depend on snags, such as the American marten and boreal owl. Clarify that Table 8 is a plan component or part of a plan component, which should be a standard. Snag targets must clearly apply at the project scale. A supplemental or revised EIS is required to show that BASI has been used for snag and related requirements, and management will provide the ecosystem characteristics necessary to support dependent species.
- Include plan components that support northern flicker cavities for at-risk species that are secondary cavity users.
- Extensively revise the plan.

Response

The 2012 Planning Rule requirement to conserve Species of Conservation Concern (SCC) are found at 36 CFR 219.9(b) and 36 CFR 219.9(c) and further interpreted into agency policy in FSH 1909.12, 23.13. This policy requires that plan components provide for management of ecological conditions to maintain a viable population of each identified SCC in the plan area.

The record discloses threats to snag-dependent SCC, ecological conditions needed by the species, and plan components (see Assessment 5, species-specific assessments for snag-dependent species, the revised plan, final EIS, and draft ROD). Assessments for boreal owl, flammulated owl, and American marten inform snag-related relationships.

The analysis below progresses from the ecological knowledge in the assessment, to plan components, to the effects' analysis.

- Assessment 5 (e.g., p. 56), species-specific assessments for boreal owl (p. 2) and flammulated owl (p. 2), and final EIS Table 61 (p. 266), all highlight that northern flicker cavities in snags represent ecological features needed by cavity nesting owls and other secondary cavity users. Assessments for boreal owl (p. 2), American marten (p. 2, Table 3, p. 5), and flammulated owl (p. 2) also provide estimates for snag conditions associated with quality habitat based on published field investigations and/or habitat modeling.
- Two plan components DC-SCC-6 (p. 23) and G-VEG-1 (revised plan, p. 35) specifically reference snags. Table 8 (revised plan p. 36) provides "recommended snags and downed wood for wildlife habitat and ecosystem processes." A narrative connecting Table 8 to the related plan components would provide criteria to evaluate consistency in projects. Furthermore, Appendix A (revised plan, pp. 141-142) lists criteria for identifying old forest in five forest types. Snags and downed wood values are summarized in revised plan Table 17 (p. 142).
- Response to comments provide some scope and context to plan components DC-SCC-6 and G-VEG-1 for snag-dependent species (see final EIS VEG-3, p. 140; VEG-4, p. 141; VEG-23, p. 150). Responses disclose that snag and down wood direction refers to the 'planning unit,' as defined in the plan glossary. Responses show that large snags have increased in

abundance over time (reference to final EIS pp. 88-89) and therefore, the Rio Grande has "a large volume of downed material" and increased numbers of large snags (final EIS p. 141). Furthermore, final EIS response to VEG-23 (p. 150) describes a science process employed to identify criteria for snag-related plan components. That process integrated existing scientific information and Rio Grande subject matter expert's judgement.

- Table 60 in the final EIS (p. 265) summarizes science assessments that disclose the role of snags as ecological conditions important to maintaining viable populations of snag-dependent SCC. The role northern flicker plays in cavity creation and the expectation for future increases in flicker-created cavities is disclosed through reference to the pattern of increased snag availability (final EIS p. 271).
- The final EIS (pp. 111-114) also indicates that expected forest dynamics under all alternatives will continue to produce snags and woody debris with little interruption on the plan unit. In developed areas and salvage areas, the abundance of snags and downed woody debris will be less. The final EIS (pp. 88-91) also describes the ecological role of snags and downed wood, patterns of abundance of these ecological features, and the processes that influence the abundance of snags and downed wood. The analysis in this section determines that snags and downed wood is within the range expected for each forest type except ponderosa pine. The section cites recent studies by Romme and others (2009). Expectations for snag abundance in ponderosa pine are uncertain based on current understanding of forest dynamics (final EIS p. 91). The analysis cites a range of scientific information (e.g. publications by Mielke 1950, Delong et al. 2008, Romme et al. 2009, USDA Forest Service 2004, Vose et al. 2012).

I find that the record discloses significant scientific information to support the development of plan components for snag-dependent SCC. The analysis and the Forest-produced assessments were supported by citations to key science investigations regarding both species ecology and forest ecology. The final EIS discloses that the available science was integrated with expert knowledge of Forest specialists to develop plan components, and the final EIS provides significant analysis of effect of the plan.

Conclusion

My review of the record finds that the responsible official did provide significant ecological information and effects analysis for snag-dependent SCC and found that significant scientific information was used to develop plan components for snag-dependent SCC. However, the description in the record of the adequacy of plan components to provide for ecological conditions necessary for viable populations of snag-dependent SCC in the plan area is unclear.

Instruction

See instruction for SCC – NFMA - Plan Component Sufficiency.

Issue Summary – SCC – Late-seral Dependent Species

Objectors state that the revised plan "uses a flawed analysis to develop late-seral forest desired conditions and does not contain effective plan components to maintain sufficient late-seral conditions to ensure the recovery, conservation, and viability of at-risk species that need late-seral forest." More specifically, objectors assert that the analysis of forest dynamics did not use or document the best available science, and the vegetation modeling to develop desired conditions did not include large beetle outbreaks that may be within the natural range of

variability. Consequently, plan components for late-seral dependent SCC species (boreal owl, flammulated owl, American marten, northern goshawk, fringed myotis bat, and western bumblebee) are insufficient. Objectors emphasize the potential negative consequences of salvage logging for late-seral associated SCC.

Objectors comment on two plan components related to late-seral forest:

- DC-SCC-2: Objectors assert that this desired condition "does not provide enough information to allow measurability, as required by 36 C.F.R. 219.7(e)(1)(i). We don't know anything about late-seral patch size needs for these species, for example."
- G-VEG-5: Objectors assert that revised plan components, including this guideline, are not sufficient to protect or maintain late-seral forest conditions necessary for SCC, and argue that application of the guideline is unclear. For instance, are the four criteria given equal weight? Objectors argue that plan components will not provide adequate management direction to maintain late-seral forests needed by SCC.

Objectors' Proposed Remedies

- Develop a standard to protect stands affected by bark beetle outbreaks from salvage logging;
- Consider that one or more standards are necessary to protect old forest conditions required for SCC, especially in spruce-fir forest. These can be based on Appendix A in the Plan, which is still reflective of the best available science;
- Provide a revised plan standard that maintains late-seral/old forest conditions consistent with Appendix A of the Plan.
- Standards should be written that clarify, for example, the criteria for retaining old trees and large trees, etc. The plan must be specific about the spatial scale at which these criteria apply.

Response

This objection asserts that the revised plan is non-compliant with planning requirements to maintain or restore ecological integrity and to conserve Species of Conservation Concern (SCC) (see 36 CFR 219.8, 219.9(b), and 219.9(c)). The ecological integrity requirements indicate that "The plan must include plan components, including standards or guidelines, to maintain or restore the ecological integrity of terrestrial and aquatic ecosystems and watersheds in the plan area, including plan components to maintain or restore structure, function, composition, and connectivity" (36 CFR 219.8(a)(1)). The species conservation requirements motivate plan components to provide ecological conditions to maintain a viable population of each identified SCC.

See Issue Summary *SCC 3 – Snag Dependent Species* for further details on law and policy.

The records relevant to the objectors' assertion that the analysis of late-seral forest used to develop plan components for SCC was flawed, including the issue that forest modeling did not consider bark beetles, are found in Assessment 1 and 3, plan components in the plan, and analysis in the EIS.

Assessment 1 and 3 evaluates ecological integrity and provides the ecological analysis supporting plan components for late-seral forest. Plan components, particularly Table 6 in the plan, which describes the desired conditions for late-seral forest, appear to build primarily on

science developed through State-and-Transition Simulation Model (STSM) results described in Assessment 1 and 3 (e.g., Appendix B, p. 63-75).

Assessment 1 and 3 (pp. 42-43) summarizes conclusions regarding ecological integrity including the proportional distribution of successional stages and provides helpful perspective on uncertainty. Assessment 1 and 3 (p. 18) provides an example of further disclosure of uncertainty and the relationship between STSM results and relevant ecological literature:

> *"The vegetation modelling suggests that the spruce-fir forest ecosystem is currently substantially departed from the natural range of variation due to the effects of recent wildfires and a large, multi-year spruce beetle outbreak..."*

and goes on to say:

> *"This result is not necessarily in agreement with the published literature."*

and proceeds to describe why, based on published literature (p. 18).

The EIS (pp. 89, 90) discusses current condition and trend in late-seral or old forest structural stages emphasizing that most forest types (e.g., mixed conifer, ponderosa pine) have more late-seral forest than desired. In contrast, late-seral conditions are less extensive than desired for spruce-fir and pinyon-juniper. Effects analysis (p. 109) describe plan components focused on late-seral or old forest and the consequences of management on the distribution and extent of old forest. This disclosure includes a description of management actions that can accelerate forest stand development to encourage old forest conditions (p. 110).

The plan includes two plan components specifically relevant to late-seral forest and SCC (plan p. 23, 36, 37). G-VEG-5 appears to result from Assessment 1 and 3.

DC-SCC-2: Structure, composition, and function of coniferous forests, including late-seral forests, meet the needs of associated species, including species of conservation concern. (Forestwide)

G-VEG-5: Old forest, or late-successional stage forest, is often deferred from harvest to maintain biotic diversity across the landscape. To maintain old forest components across the landscape and move toward desired conditions (defined in Table 6) prioritize retention of old forest stands as follows:

- Older stands that have not been manipulated are more desirable than younger ones.
- Stands with limited use and access are better suited to maintain old forest conditions.
- Stands that provide habitat for threatened, endangered, or proposed species, species of conservation concern.
- Stands exhibiting a variety of attributes such as diverse canopy layers, decadence in live trees, standing or downed dead, or both, and patchiness.

I find the record disclosed a general approach to ecological modeling (STSM) and the relationship of that modeling to ecological literature. Assessment 1 and 3 included discussion of bark beetles and related shortcomings of the ecological modeling. Given that disclosure, the foundation from which to develop plan components is apparent.

Assessment 1 and 3 describes the STSM approach employed to estimate the natural range of variation and describes relationships between the STSM results and ecological literature (Assessments 1 and 3, pp. 18, 42-43). Disclosure (p. 18) of differences between STSM results

and existing ecological literature regarding the extent of spruce-beetle disturbance in spruce-fir forest provides perspective on model limitations.

Assessment 1 and 3 cites literature on ecological dynamics as demonstrated by numerous references (p. 44-48).

I find the record, particularly Assessment 1 and 3, along with the EIS sections on late-succession forest, together provide evidence that the best available scientific information was employed when developing plan components linking late-seral forests and late-successional forest-associated SCC.

Individual species assessments for late-seral associated species, particularly boreal owl (p. 2), flammulated owl (p. 3), and American marten (p. 2) note the importance of ecological conditions in mature and old forest. Plan Appendix D, particularly Table 21, describes similar associations for flammulated owl (p. 161). Plan Table 23 lists plan components associated with each SCC that include either DC-SCC-2 or G-VEG-5 for each of American marten, fringed myotis, northern goshawk, flammulated owl, and boreal owl.

The EIS provides context to the objection related to the adequacy of plan components to provide ecological conditions to maintain late-seral associated SCC, where the spatial extent of forest harvest activities were defined (EIS Tables 29-33) relative to the spatial extent of forest ecosystems on the Rio Grande (EIS Table 14). This comparison demonstrates the relatively small spatial extent of active timber harvest across all alternatives.

The objectors' assertion that plan components are insufficient was also evaluated in Issue Summary SCC 3 snag-dependent species. This analysis relates to the specifics of plan components DC-SCC-2 and G-Veg-5.

Scientific information on necessary ecological conditions for late-seral associated SCC is provided in the record, and the final EIS provides analysis of effect of the plan. However, the record does not clearly describe how the specific plan components (DC-SCC-2; G-Veg-5), together with other plan components, address threats, limiting factors, and ecological conditions to maintain a viable population of these SCC in the plan area.

Conclusion

Upon review of the record, I find the responsible official included plan components to provide for ecological conditions to support a viable population of late-seral dependent SCC in the plan area. However, the description in the record of the adequacy of plan components to provide for ecological conditions necessary for viable populations of late-seral dependent SCC in the plan area is unclear.

Instruction

See instruction for SCC – NFMA - Plan Component Sufficiency.

Issue Summary – SCC – Plants

The objector believes that Forest Plan guideline G-SCC-2 is too broad and requests that this guideline be reworded to say:

> *"…. roads and other permanent ground disturbing structures and other authorized activities should not degrade vegetation within 100 feet of where plants that are listed as species of conservation concern are present." Since many of the plants have broad*

habitat classifications, restricting operations in areas where they are known to occur but are not present is infeasible."

Objector's Proposed Remedy

Objector's suggested remedy is to reword the guideline as noted above.

Response

The 2012 Planning Rule (36 CFR 219.9(c)) defines Species of Conservation Concern (SCC) as:

"a species, other than federally recognized threatened, endangered, proposed, or candidate species, that is known to occur in the plan area and for which the regional forester has determined that the best available scientific information indicates substantial concern about the species' capability to persist over the long-term in the plan area."

The definition employs the phrase "known to occur" as part of the criteria to define SCC.

The full guideline (G-SCC-2) on plan page 25 reads (words questioned by the objector are underlined):

G-SCC-2: To maintain ecological conditions to support a viability of species of conservation concern, roads and other permanent ground-disturbing structures and other authorized activities should not degrade vegetation within 100 feet of where plants that are listed as species of conservation concern are known to occur. Such barren or rocky areas include, but are not limited to, alpine fell fields, alpine cushion plant communities, talus slopes at any elevation, rock fields, boulder gardens, cliff faces, recently disturbed soils, exposed shale, gypsum, volcanic, or adobe soils, and other sparsely vegetated areas within other ecosystems. (Forestwide)

The guideline, G-SCC-2 uses "known to occur" where the objector suggests "present." The two terms are strongly related, but, as suggested by the objector, "known to occur" may result in greater breadth. For instance, an annual plant species with a seed bank may not be visibly present in a given year if germination was not stimulated, but the species may be "known to occur" based on past records.

I assert that substituting "present" for "known to occur" in G-SCC-2 would result in criteria that would not meet the intent of the plan component. The intent is to avoid damage to existing SCC plants. The criteria of "present" may not provide for obscure life-history patterns in certain plant taxa. A well-established population may be impossible to observe over a series of years and not considered 'present.' "Known to occur" provides strict criteria demanding evidence for the existence of the plant in a specific place but allows for obscure taxa. "Known to occur" is used as a key term in the Rule definition of SCC [36 CFR 219.9(c)] and employing this criterion should not lead to confusion or infeasibility.

Conclusion

Upon review of the record, I find that the revised plan contains the proper language for the specific guideline and the proposed change by the objector would not comply with the 2012 Planning Rule. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Climate Change

Issue Summary – NEPA Compliance and Plan Component Sufficiency

Objectors assert that the final EIS failed to adequately address climate change; specifically, that the final EIS failed to consider a reasonable range of alternatives and that the plan failed to provide plan components to address climate change impacts. The objectors additionally expressed concern about the removal of an air quality desired condition and the Forest's own contribution to greenhouse gas emissions, more broadly.

Objector's Proposed Remedy

Direct the Rio Grande National Forest to develop binding plan components to address climate change impacts on the Rio Grande National Forest and to ensure carbon sequestration is considered and meaningfully enhanced through the implementation of the revised plan.

Response

There are specific requirements for addressing climate change in each phase of planning. The 2012 planning rule emphasizes restoring the function, structure, composition, and connectivity of ecosystems and watersheds to adapt to the effects of a changing climate and other ecosystem drivers and stressors, such as fire and insect and disease infestations.

Climate change is a particularly complex challenge given its global nature and inherent interrelationships among its sources, causes, mechanisms of action, and impacts. Climate change and other factors necessitate the need for the revised plan to be nimble, adaptive, and not overly prescriptive. The intent of this framework is to create a responsive plan that informs integrated resource management and allows the Forest Service to adapt to changing conditions, including climate change, and improve management based on new information and monitoring (CFR § 219.5). The draft Record of Decision asserts that the plan provides flexibility to respond to changing conditions and is in compliance with these regulations.

The revised plan provides guidance for project- and activity-level decision-making on the Forest for approximately the next 15 years. This guidance includes Forestwide components that provide for integrated social, economic, and ecological sustainability and ecosystem integrity and diversity as well as ecosystem services and multiple uses; plan components are within Forest Service authority and consistent with the inherent capability of the plan area per 36 Code of Federal Regulations ((CFR) §219.7 and CFR § 219.81–219.10).

Assessing ecosystem integrity is required by the Forest Service planning rule (FSH 1209.12_10). Integrity is measured by whether or not the dominant characteristics of the ecosystem:

- are within the range of what would occur "naturally" (natural range of variability), and
- can stay within that range as each ecosystem is influenced by stressors such as climate change, as well as development and other uses of the Forest.

In light of the changing climate and anticipated changes in the future environment, maintaining diverse, highly functioning ecosystems across the landscape is one of the most effective responses to potential changes in climate. Even though not always explicitly stated as such, several elements of plan components, as well as alternatives analyzed in the final EIS, reference ecosystem integrity as well as strive to "improve forest resiliency to climate change and other

stressors" per FSH 1909.12-20. In fact, Goal 1 of the revised plan is to "maintain and restore sustainable, resilient terrestrial ecosystems." Numerous plan components tiered to this goal to restore or maintain ecological integrity of terrestrial and aquatic ecosystems per 36 CFR 219.8(a)(1)(iv) provide direction that mitigates potential impacts from a changing climate. As an example, healthy, resilient forest ecosystems are better able to store carbon (Forest Service National Roadmap for Responding to Climate Change). Additional examples of plan components that best illustrate how the plan provides direction for reducing risk and adapting to climate change and the drivers and stressors of the various ecosystems were provided to the objector in final EIS II Appendix D – Public Involvement and Response to Comments, CC-4, pp. 17-19.

Differing climate change impacts are not expressly stated as a primary consideration among the range of alternatives presented in the final EIS, but climate change and resiliency are addressed as a consideration for all alternatives. A range of potential climate change impacts are discussed in the context of affected environment by alternative.

The range of potential climate change impacts was identified at a Rio Grande National Forest Climate Change Plan Revision Workshop, held in October 2016. The workshop convened climate change researchers from the Rocky Mountain Research Station, Colorado State University, and more than 20 staff from the Forest. Workshop topics included reviews of historical climate patterns, as well as projections for future climate in terms of temperature, seasonality, and precipitation. The timing of the workshop was deliberate, prior to development of the draft plan, so that Forest staff could use the information to inform interdisciplinary team meetings, shape plan components, and inform the analysis in the environmental impact statement.

Adhering to 36 CFR § 219.5, the monitoring program outlined in the LMP contains numerous questions and indicators that explicitly address impacts of climate change on resources: vegetative phenology, snowpack, streamflow, and alpine vegetation, including Uncompahgre fritillary butterfly habitat (p. 91, 92), and forest ecosystems (p. 93). Appendix D is replete with references to climate change vulnerability assessments and potential impacts to species of conservation concern.

As referenced in the Draft ROD, the revised plan follows all applicable policies and guidelines included in the 2018-2022 USDA Forest Service Strategic Plan, which states, "healthy ecosystems have the capacity for renewal, for recovery from a wide range of disturbances, and for retention of ecological resilience while meeting current and future needs…" One of the Means and Strategies to meet this objective is to "develop and apply detection, prediction, prevention, mitigation, treatment, restoration, and climate adaptation methods, technologies, and strategies for addressing disturbances such as wildfire, human uses, invasive species, insects, extreme weather events (e.g., storms), and changing climatic conditions."

In response to the objector's issue raised with the Forest contributing to greenhouse gas emissions, the LMP contains plan components to protect air quality by reducing risk of large emissions from catastrophic wildfires. Wildfires can be a visibly noticeable source of air quality impact due to aerosols including organic and elemental carbon and particulate matter. Impacts from wildfires are increasingly difficult to predict and manage due to fuel loads, fire exclusion history, increasing wildland-urban interfaces, and climate change. Fuel treatment practices, including fire and mastication, would continue in an effort to reduce the size, frequency, and intensity of wildfires to improve fire control and increase the predictability of fire effects. These fuel treatments also reduce the amount of fuel on the ground to burn during a fire event, and

while many fuels treatments involve burning, it would burn under more controlled conditions, which would spread the air quality impacts out over time and reduce overall cumulative impacts due to the controlled nature of the burns.

Conclusion

Upon review of the record, I find that the revised plan contains adequate components to address climate in compliance with the 2012 Planning Rule. In addition, I find the final EIS provides the appropriate level of analysis for a programmatic review of this issue and adequately accounts for the impacts of climate change. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Forest Ecology

Issue Summary – Inadequate Plan Direction and Analysis

The objector asserts that early seral habitats should be listed as a key ecosystem characteristic and included in a desired condition since many species rely on young forests.

Objector's Proposed Remedy

Include early seral habitats as a key ecosystem characteristic in the plan and include early seral forests as a desired condition.

Response

The key ecosystem characteristic Diversity of Vegetation, and an associated desired condition and standard, address the diversity requirement under 36 CFR 219.9(a)(2). The plan does include a desired condition that all development stages of the forested terrestrial ecosystems are well-represented at the landscape scale and occur Forestwide and early seral forests are included in this desired condition.

The final EIS response to comments (Comment VEG-77 and Response; final EIS p. 174) addressed this comment in a similar manner. 36 CFR 219.9 (a)(2) (p. 21265) Ecosystem Diversity: requires the plan to include plan components to maintain ecosystem integrity including key ecosystem characteristics associated with terrestrial and aquatic ecosystem types and the diversity of native tree species similar to that existing in the plan area (see Supporting Materials below).

The plan includes a key ecosystem characteristic, "Diversity of Vegetation." This key ecosystem characteristic is described in more detail in the assessment as the amount and distribution of vegetation structural stages. (Rio Grande NF Assessments 1 and 3 Ecosystem Integrity, Systems and Stressors for Terrestrial Ecosystems, pp. 3 and 15).

The plan includes a desired condition (DC-VEG-3) specifying that "all development stages of the forested terrestrial ecosystems are well represented at the landscape scale and occur Forestwide within the ranges identified in Table 6" (plan, pp. 32-33, including Table 6 on p. 33). Further, Table 6 provides desired conditions for key terrestrial ecosystems and specifies the condition for key characteristics and the associated seral development stage. With the exception of aspen, early seral forest is included as a proportion of each terrestrial ecosystem type. The plan also includes a standard (S-VEG-3) that outlines minimum restocking levels for suitable timber lands (p. 34 and Table 7 on p. 35).

Conclusion

After review of the record, I find that the responsible official adequately addresses the need for early seral habitat throughout the plan area in compliance with 36 CFR 219.9. Therefore, I affirm the Forest Supervisor Dan Dallas' decision.

Reforestation

Issue Summary – Timber Opening Management

The objector asserts that the revised plan must contain enforceable direction for when management created timber openings become closed.

Objector's Proposed Remedy

Use the definition for when an opening is closed and make it a standard or guideline.

Response

S-VEG-6 provides guidance for future site-specific decision-making in the creation of openings larger than 40 acres by establishing criteria set out in S-VEG-6: Openings larger than 40 acres may only be created under one of the following conditions:

- Proposals for larger openings have been approved by the regional forester, following a 60-day public review,
- Areas harvested as a result of natural catastrophic conditions (including those resulting from fire, insects, diseases, and windstorms), or
- When the area that is cut does not meet the definition of openings. (Forestwide)

Openings have a clear definition within the final EIS (p. 506): Meadows, clearcuts, and other areas of vegetation that do not provide cover. The definition of when openings are no longer considered openings is fully described in the Management Approaches on page 30 of the Land Management Plan. The revised plan does not violate 36 CFR 219.11.

Conclusion

After review of the record, I find that the revised plan is in compliance with 36 CFR 219.11. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Scenery – Visuals

Issue Summary – Scenic Integrity Objectives (SIO)

The objector has stated that the SIOs are not found in the management areas and where they are mentioned they are confusing.

Objector's Proposed Remedies

- State scenic integrity objectives for each management area;
- Retain Forestwide standard requiring management activities and projects to be consistent with the applicable scenic integrity objective; and

- Delete scenic integrity objective guidelines in management area 4.34.

Response

Forest Service Policy and regulation show that forest plans should have scenic integrity objectives in the plan and that they should be standards or guidelines. FSH 1900 23. 23f 2 2 states that the LMP must include plan components including standards or guidelines to provide for scenic character integrated with other plan components as described in FSH 190923.21a.

The administrative review examined the plan components regarding scenic integrity objectives (SIOs) in the Land Management Plan (LMP) and found that, the as the objector has stated, there is a standard for Forestwide direction that states, "Management activities are consistent with identified scenic integrity objectives" (LMP p. 61).

- The review also found that some management areas repeated this plan component in some but not all of the management areas.
- The assignment of specific SIOs for specific acres of national forest lands in the plan area is not clearly identified in the management areas, nor elsewhere in the LMP. An SIO map in the final EIS identifies the distribution and assignment of SIOs across the plan area; however, this map was omitted from the LMP. Additionally, plan components do not point to the SIO map for implementation of the SIOs and scenic resource management.
- The team found that while the plan does state that scenic integrity objectives will be adhered to throughout the plan area, the assignment of SIOs is unclear.

Desired SIOs were established and assigned in the SIO map that was included in the EIS but omitted from the LMP. The map that shows specific SIOs throughout the plan area (Rio Grande National Forest lands) should be added to the LMP. Additionally, there is not any link in the forest plan components to find or access the specific SIO assignments. It is clear that SIOs were created and were referred to throughout the plan. Adding the SIO map to the LMP and using it to understand the assignment of SIOs across the plan area would provide the greatest clarity and utility for managing scenic resources in the plan area. Management areas often include several SIOs; therefore, assigning SIO by management area would be less clear than reliance on the SIO map itself.

Conclusion

Upon review of the record, I find that the responsible official adequately addressed scenic integrity objectives in the revised plan. Therefore, I affirm the Forest Supervisor Dan Dallas' decision.

Instructions

I instruct Rio Grande Forest Supervisor to carry forward the scenic integrity objective map from the final EIS to the LMP and reference map in relevant plan components to support implementation of the forest plan at the site-specific level.

Water Rights

Issue Summary – Water Rights – Decree

The Rio Grande Water Conservation District is concerned that the Proposed Plan may negatively impact water rights in the San Luis Valley, and that the "Proposed Plan does not include any specific overarching directive that requires forest management decisions to avoid impacts or injury to existing water rights, which may violate Colorado law or result in the reopening of the United States' Decree in Case No. 81CW183."

Objector's Proposed Remedy

- The Rio Grande Water Conservation District urges the Forest Service to include a specific, overarching directive that provides consistency with water rights decrees.
- The Rio Grande Water Conservation District believes that the inclusion of such a directive will sufficiently resolve its outstanding concerns regarding the Proposed Plan and may avoid future legal battles.

Response

The proposed plan specifically references existing water rights decrees in Chapter 2 under Goal 2, Watershed (pp. 45-47) section and Chapter 3, Management Area 4.34 – Special Designation: Eligible and Suitable Wild, Scenic, and Recreational Rivers (pp. 75-78), and in Appendix H under State and Local Direction (p. 207).

The watershed desired condition DC-WA-2 starts with the statement "[w]ithin the constraints of existing water rights decrees…". The reference to water decrees and water rights in relation to wild, scenic, and recreational rivers reads "S-MA 4.34-2: Consistent with existing water rights decrees in Colorado Water Division 3 (81CW183) … (p. 77)". Both statements clearly indicate the plan intent for consistency with existing water rights decrees.

Furthermore, Appendix H describes that management direction from applicable laws, regulations, and policies, is not restated in the forest plan. Appendix H lists "Water Division 3, Water Decrees Forestwide" under State and Local Direction that is applicable to Forest management. Appendix H also includes two Memorandums of Understanding (14-MU-11020000-053 and 15-MU-11020000-072) relating to water management on the Forest.

All references to water rights and water rights decrees in the revised plan are consistent with Forest Service intent to comply and avoid impacts or injury to water rights.

Conclusion

After review of the record, I find that the responsible official adequately addressed existing water rights decrees within the revised plan. Therefore, I affirm Forest Supervisor Dan Dallas' decision.

Objectors and Interested Parties

Table 1. Eligible objectors

Name	Affiliation

Name	Affiliation
Christine Canaly*	San Luis Valley Ecosystem Council
Michael Fiebig	American Rivers
Mary Greene*	National Wildlife Federation, Colorado Wildlife Federation, New Mexico Wildlife Federation
Scott Jones	Colorado Off-Highway Vehicle Coalition, Trails Preservation Alliance, Colorado Snowmobile Association
Julie Mach	Colorado Mountain Club
Lauren McCain*	Defenders of Wildlife, Western Environmental Law Center, The Wilderness Society, WildEarth Guardians
Todd Monson	
Dan Gibbs	Colorado State Department of Natural Resources (Note objection was subsequently withdrawn.)
Greg Higel	Rio Grande Water Conservation District
Mark Pearson*	San Juan Citizens Alliance
Molly Pitts	Intermountain Forest Association
Rocky Smith*	San Luis Valley Ecosystem Council, Western Environmental law Center, WildEarth Guardians, San Juan Citizens Alliance, High Country Conservation Advocates, Rocky Mountain wild, Rocky Mountain recreation Initiative, Quiet Use Coalition, Northern San Juan Chapter/Ridgeway, CO, The Wilderness Society, Wild Connection*
Anna Lee Vargas	Conejos Clean Water
Greg Warren	

In addition to the starred (*) objectors in the preceding section, the following organizations participated as Interested Persons for one or more objection issues:

Table 2. Interested persons

Name	Affiliation
Andrew Black	National Wildlife Federation
Jesse Deubel	New Mexico Wildlife Federation
Joshua Hicks	The Wilderness Society
John Mellgren	Western Environmental Law Center
Suzanne O'Neill	Colorado Wildlife Federation
Adam Rissien	WildEarth Guardians
Jeremy Romero	National Wildlife Federation
Tom Sobal	Quiet Use Coalition
Tracy Stone-Manning	National Wildlife Federation

Terms and Abbreviations

Table 3. Terms

Term	Full name

Term	Full name
1996 Forest Plan or LRMP	Rio Grande National Forest Land and Resource Management Plan (1996)
2012 planning rule	National Forest System land management planning rule (36 CFR Part 219; effective 2012, amended 2016)
assessment	Assessment of the Rio Grande National Forest
the Forest	Rio Grande National Forest
revised plan	Rio Grande National Forest Land Management Plan (2019 revision)
Travel Management	2005 Travel Management Rule (36 CFR 212)

Table 4. Acronyms and abbreviations

Acronym	Full text
CDT	Congressionally Designated Trail
CDNST	Continental Divide National Scenic Trail
CFR	Code of Federal Regulations
DC	Desired condition (forest plan component)
draft EIS	Draft Environmental Impact Statement
final EIS	Final Environmental Impact Statement
FISH	Fisheries
FSH	Forest Service Handbook
FSM	Forest Service Manual
G	Guideline (forest plan component)
INFR	Infrastructure
LAU	Lynx Analysis Unit
LMP	Land Management Plan
LRMP	Land and Resource Management Plan
MA	Management Area
MIN	Minerals
NEPA	National Environmental Policy Act
NFMA	National Forest Management Act
NTSA	National Trails System Act
OBJ	Objective (forest plan component)
OSV	Over-Snow Vehicle
PTSQ	Projected Timber Sale Quantity
REC	Recreation
RMZ	Riparian Management Zone
RNG	Range management
ROD	Record of Decision
ROS	Recreation Opportunity Spectrum
S	Standard (forest plan component)
SCC	Species of Conservation Concern
SIA	Special Interest Area
SIO	Scenery Integrity Objective
STSM	State-and-Transition Simulation Model
SUIT	Suitability
TEPC species	Threatened, Endangered, Proposed, and Candidate species
TES	Threatened and Endangered Species
USDA	United States Department of Agriculture
VEG	Vegetation management
WA	Watershed
WLDF	Wildlife and plants

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